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PRISON DISCIPLINE ;

AND

THE ADVANTAGES

OF THE

SEPARATE SYSTEM OF IMPRISONMENT,

WITH A DETAILED ACCOUNT OF

THE DISCIPLINE NOW PURSUED

IN THE NEW

COUNTY GAOL, AT READING;

BY THE

REV. J. FIELD, M.A.,

CHAPLAIN.

"Parum est improbos coercere pœnâ, nisi probos efficias disciplinâ."

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## ERRATA IN VOLUME II.

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- Page 160, *for* their sanction. All *read* their sanction, all.  
—— 184, *for* had been subjected *read* has been subjected.  
—— 343, *for* source of misery *read* cause of misery.  
—— 431, *for* *rebus anctis* *read* *rebus auctis*.  
—— 432, *for* *improbis* *read* *improbos*.





## CHAPTER I.

TRANSPORTATION.—EVILS OF PAST SYSTEM.—PARLIAMENTARY EVIDENCE ON CONVICT DISCIPLINE.—DESCRIPTION OF RESIDENT IN VAN DIEMAN'S LAND.—OPINION OF ARCHBISHOP WHATELEY.—MEANS OF REFORMATION NEGLECTED.—NO SPIRITUAL PROVISION.—EVIDENCE OF A CONVICT.—ERRORS ACKNOWLEDGED.—A CORRECTIVE SYSTEM PROPOSED.—LETTER OF SIR G. GREY, BART.—CONVICTS DETAINED IN COUNTY PRISONS.—FORTY AT READING.—PLAN PURSUED WITH THESE.—ADVANTAGE OF WITHHOLDING MANUAL EMPLOYMENT FOR A SHORT TIME.—WHY SHOULD I BE INDUSTRIOUS? A PRISONER'S REASONS.—REPORT OF TRADES' INSTRUCTORS.—OF SCHOOLMASTER.—MORAL IMPROVEMENT.—EVIDENCE OF THE BISHOP OF TASMANIA.—EFFECT OF DISCIPLINE AT PENTONVILLE PRISON.—PENALTY INCREASED BY PREVIOUS TERM OF IMPRISONMENT PREVIOUS TO TRANSPORTATION.—EVIDENCE OF GOVERNOR OF GLASGOW PRISONS, OF A CONVICT, OF CHAPLAIN OF LEWES GAOL.—SUBSEQUENT LABOUR ON PUBLIC WORKS DEPRECATED.—HULK SYSTEM ABOLISHED.—CONVICTS SHOULD NOT REMAIN IN ENGLAND.—EVIL OF NOT TRANSPORTING SHEWN IN FRANCE AND NORWAY.—MUCH DESIRED IN COLONIES AFTER CORRECTION.—EVIDENCE OF THIS.—EMIGRATION OF CONVICT'S FAMILY, ETC.

SOME county prisons, and amongst them that at Reading, have been recently selected by Government to receive convicts sentenced to be transported for several months previously to their deportation. The causes which have led to this, the effect of such imprisonment, and the future disposal of the pri-

soners, as they are subjects of great interest, each call for some brief consideration.

In reverting to the past, it is not my purpose to describe either the origin or the progress of the system of transportation. It will be impossible to give a description sufficiently concise that could be satisfactory, and it forms no part of the plan or purpose of my present work. Much less do I propose to enter into those details of enormous crime which have necessarily induced the Legislature to abandon, I trust entirely and for ever, that association of criminals in our penal settlements by which such awful and horrible vices were engendered and propagated. It has been my painful duty to read the Evidence on Convict Discipline, recently laid before Parliament, and having done so, if its purpose has been accomplished, I could desire not merely to blot the remembrance of it from my own mind, but that such memorials might be obliterated from the annals of our country. In compiling that evidence much laudable discretion has been exercised in suppressing sentences most revolting to decency, still enough remains to pollute the reader, and to proclaim a national disgrace.

Long indeed have many vices been known to prevail in our penal colonies—evils consequent upon neglect in not providing spiritual instruction, and in not preventing intercourse of the most depraving character. But as if distance from the parent state freed their rulers from all responsibility,



the vices and the dangers have been alike disregarded. Some authorities, it is true, have discerned the evils, but have not ventured to interfere with the system which produced them, because they could see nothing better to substitute. Men in power have been too much satisfied with acknowledging the mischief, perhaps deploring the evil, but without endeavouring to apply the remedy. Some experiments, indeed, have been tried; some improvements, it may be, effected; yet no successful plan was pursued. The intercourse of criminals in another hemisphere, not less than at home, produced its certain result; always and everywhere the same, it has contaminated and corrupted all whom it could reach. Thus to the unhappy convict, whose doom was transportation, misery and destruction were almost ensured,\* and upon the inhabitants and settlers in the land to which he went, pollution and demoralization were constantly entailed, until at length we might too truly apply the words of the Roman orator—"Exilium ibi, ubi virtuti non sit locus."† With such an influx of impurity, the very offscouring of crime itself, every convict resembling a vessel too full of iniquity to be retained, and therefore an outcast, what possible result could ensue, but that the soil devoted to be the receptacle of such

\* "—That awfully destructive punishment of transportation—a punishment which tends in ordinary circumstances to the eternal loss of the soul.—*The Convict Ship*. p. 109.

† Cicero pro Milone.

should become a reservoir of abomination and of the most loathsome vice !\*

And how grievous and disgraceful has been the cruelty and guilt of our country, in thus draining off the dregs of its criminal population, and whilst providing for punishment, permitting the absence of all means of moral reformation or spiritual improvement. I write with the letter before me, of a friend, who, in company with the pious Marsden, visited many of our penal stations. He describes the convicts as destitute of any religious knowledge, and deprived of all opportunity of obtaining it. "We found," he says, "in many instances, the chain gangs without a single copy of the Scriptures, and the whole of the convicts were herded together without any attempt at classification, or the least preserva-

\* If the convict-servants and their masters have any virtue to lose, no system could have been devised more effectual for divesting them of it. \* \* \* Among all the extravagancies that are recorded of capricious and half-insane despots in times of ancient barbarism, I do not remember any instance mentioned of any one of these having thought of so mischievously-absurd a project as that of forming a new nation, consisting of criminals and executioners.—*Archbishop Whateley on Transportation*, p. 37.

Long since did Lord Bacon denounce it as "a shameful and unblessed thing to take the scum of people, and wicked condemned men to be those with whom you plant," and in language of equal force an eloquent prelate of our own day recently deprecated this national vice as "seeding the earth with iniquity."

tion of decency and order.” \* We see, therefore, causes sufficient to account for the testimony of a convict, which I here copy, because its truth has been confirmed by other evidence. After a description of vices, too horrible to be repeated, he added—“The men had nothing but misery before them, and they cared nothing about their lives.” When asked respecting a particular murder, he said—“I have seen so many I don’t know which you refer to. I have seen men cut up just as you would cut up meat; and I have seen twenty-one men executed in a fortnight.”†

Truly, then, there is an awful fitness in the term “Hell’s Gates,” by which the approach to one Convict Settlement ‡ is denoted, and the reason assigned, might to a great extent, be applied to all other Penal Stations—because the prisoners recklessly asserted, that all who entered were doomed to eternal perdition.

As some further proof that such assertions have not been without apparent foundation, I insert a

\* Dr. Browning, in his interesting volume, gives a letter from a convict, in which he speaks of having attempted to read from a Bible, which had been given him, when he was assailed with language, which however shocking, might almost seem to represent the truth—“You old hypocrite! There’s no God in Van Dieman’s Land, nor shall there be.”

† Evidence before Select Committee of House of Lords, on Execution of the Criminal Law. I. 453.

‡ Macquarie Harbour.

description from a resident in Van Diemen's Land, published in the Parliamentary Correspondence on this subject:—

“ — All that the free colonists suffer, even the total destruction of Van Diemen's Land as a free colony, is as nothing to what the wretched convicts are forced to submit to. It is not bodily suffering that I refer to ; it is the pollution of their minds and hearts, which is forced upon them, which they cannot escape from. Loathsome as are the details of their miserable state, it is impossible to see thousands of men debased and depraved without at least making an attempt to save others from the same fate.

\* \* \* “ To keep a man from bad companions is the first rule of moral discipline. Your rule is that each man shall have the worst companions that can be collected, and that it shall be impossible for him to have any others.

“ Mark the result—On 4th December last two men from Port Arthur were tried for an unheard-of crime. \* \* \* They were found guilty and were hanged. From the witnesses on the trial it was discovered that \* \* \* at Port Arthur is of constant, almost universal occurrence. Every convict knows of it, if he does not participate in it.

\* \* \* \*

“ When is this to end ? How long is humanity to be thus outraged ? Are human beings to be still herded together like beasts ? And, while those appetites which nature has given them are stimulated by the climates to which you send them, are they to be forced to become like those who were destroyed by fire from above ? Can any one look for the reformation of these men ? What is to become of them ? What is to be done with the beings whom your system has made what they are ? The present plan is to diffuse their vices ; to spread them among the Australian Colonies, after they have been corrupted ; to do the work of hell efficiently and completely. \* \* \*



“The mind is lost in perplexity when it endeavours to conjecture the purpose for which the Almighty has permitted this dreadful system to come into existence. The oppression of the settlers, the destruction of their property, the state of terror in which they live, in all this we may perceive a wise purpose. In the end they may, though poorer, be better men, even by their sufferings. But for the convicts what can be said? What ultimate benefit to them can be looked for here or hereafter?

\* \* \* \*

“In altering the system, in disposing of its unhappy victims, there will be labour, anxiety, and expense. But all these must be encountered. The object is too important for such considerations. Apart from the higher and holier duty which is to be discharged, neither expense, anxiety, nor labour can be regarded in freeing England from this system of national crime, which has no parallel in the history of human beings.”\*

The evidence recently given by the Bishop of Tasmania not only confirms these statements, but describes circumstances which even aggravate the enormities referred to. Speaking of the probation gangs, his Lordship observes—“You absolutely prevent the possibility of reformation. I say it, and I say it deliberately, that the vices and iniquities constantly practised in those probationary gangs are of such a character, and carried on to such an extent, that it is next to impossible for a man, however strongly he may be convinced of the sinfulness of his course of life, boldly to speak of or to act upon his convictions; he dares not show any sign of repentance or reformation when sur-

\* Some loathsome particulars are described, which the author has felt it would be improper to insert.

rounded by his ungodly companions; his mind becomes too often utterly brutalized, utterly debased, and utterly degraded, before he leaves those gangs.

\* \* \* In good truth you punish the soul as well as the body, and you virtually stretch your penal code beyond the world into eternity itself."

With reference to the neglect and mismanagement which has been productive of such monstrous evils, Archbishop Whateley, in forcible language, observes—

"It is perhaps fortunate, if we will but use the lesson before us, that the errors of the present system are so very gross and palpable as they are:—that the rocks on which we have hitherto struck, are above water. We have hence some reason for hoping that we may obtain some different results from steering a different course hereafter. And we have also, to a certain degree, a direction pointed out for that course. A chart of shoals and quicksands is not without its use in navigation; and the plan we have hitherto been pursuing, may, by the rule of contraries, be made to furnish a profitable example. For there is scarcely a feature in the whole system,—scarcely a part, portion, or circumstance, in the convict's life, which it would not be requisite entirely to reverse, in a well-regulated penitentiary." \* \* \* \*

"We need not join issue on the question, whether the picture presented be minutely accurate or not. Let any one be left to allow for all the exaggeration

that can be thought conceivable, and to suppose the evils of the system to be considerably less than they are represented, and the advantages greater. The conclusion, I think, would still be, to any candid and considerate mind, the very same. There are extreme cases, and this I think is one of them, in which no allowance that can reasonably be made for want of strict accuracy, will perceptibly affect the result. It would not be the "easier for a camel to go through the eye of a needle" if the camel were half the usual size, and the needle's eye double. And in this case the evils which I have pointed out (though I have passed over no small part) are so multifarious and monstrous, and the advantages so extremely minute, that if the one were only half what they are and the other double, I could not hesitate about coming to the same conclusion."\*

It is then well for us as parties in a measure responsible for the wrongs which have been committed, and especially it is well for the injured inhabitants of our penal colonies that gross and glaring errors have been at length perceived by the Legislature, and a remedy proposed. That proposal will be best understood by the insertion of the following extracts from a letter by the Right Hon, Sir Geo. Grey, Bart., to Earl Grey, taken from the "Correspondence" on Convict Discipline, presented to both Houses of Parliament in 1847:—

"MY LORD,—I am desirous of bringing under

\* Remarks on Transportation, p.p. 55, 62.

your Lordship's notice, the present state of the question relating to the punishment of transportation, with a view to the adoption of such measures as appear to be required in order to provide for the altered circumstances under which convicts sentenced to transportation must for the future be dealt with by the Government.

\* \* \* \*

“ It is sufficient that I should express my conviction that experience has abundantly proved the impossibility of carrying on, for any length of time, the transportation of a large number of convicts from year to year to a penal colony, without producing evils of the most formidable character, seriously affecting the social and moral condition of the colony, and destructive of any rational hope of rendering the punishment conducive to the reformation of the convicts,

“ In consequence of the complaints received from New South Wales, it was determined in 1840 to discontinue transportation to that colony; and this decision was carried into effect by an order in council, made on the 22nd May, in that year, in pursuance of the provisions of the Act of the 5th Geo. IV. cap. 84, for the transportation of offenders from Great Britain.

“ From that period to the present, the places to which convicts sentenced in Great Britain could legally be sent, in execution of their sentence, have been Van Dieman's Land, Norfolk Island, and Bermuda and Gibraltar, at which latter places, under orders in council passed in pursuance of the provisions of the above-mentioned Act, offenders sentenced in Great Britain to transportation may be kept to labour.

“ At the time of the discontinuance of transportation to New South Wales, it had been determined to erect the Model Prison at Pentonville, which was subsequently completed in 1842, by means of which, and of the arrangements connected with the system there to be pursued, it was hoped that the

number of persons on whom the sentence of transportation would be carried into effect would be considerably diminished.

“ In 1843 a further change took place. Pentonville Prison was then open. The practice of sending prisoners sentenced to transportation to the hulks, (except in the case of invalids unfit for transportation) was discontinued, and the number then in the hulks has been allowed gradually to decrease, by the expiration of the sentences, or the earlier liberation of the convicts. The prison at Millbank was at the same time placed, by Act of Parliament, on a new footing. It was converted from a Penitentiary into a *Depôt* prison, under the superintendence of three of the Prison Inspectors, to be selected by the Secretary of State, with the ordinary powers of visiting justices. To this prison all persons sentenced in Great Britain to transportation, have from that time been sent in the first instance. After a short detention there, the prisoners have been disposed of under the authority of the Secretary of State, on the recommendation of the Inspectors, in the following manner:—A certain number of adult male convicts have been selected from time to time from among them, and have been sent to Pentonville Prison. They have there been subjected to a system of separate confinement for a limited period, as detailed in the reports laid before Parliament from the Commissioners of Pentonville; and at the expiration of the period of imprisonment, the maximum of which was fixed at eighteen months, those whose conduct has been satisfactory have been sent to Port Philip, under the denomination of “*Exiles*,” with conditional pardons, to take effect on their arrival there: the only restraint on their freedom being the condition, that they shall not return to this country during the term of their original sentence. The remainder of the Pentonville prisoners, whose conduct has not entitled them to this indulgence, have been sent to Van Diemen's Land as convicts, but in most cases with certain advantages not possessed by ordinary convicts.



"Such being the system which has been recently acted on, I come to the present position in which this question is placed.

"The continued annual importation of a large number of convicts into Van Diemen's Land, produced evils of such magnitude, that on representations from the colony of the state of society occasioned by it, Her Majesty's Government determined in the month of June last, to suspend for a period of two years, the transportation of male convicts to that colony. Subsequent information which has reached Her Majesty's Government, has made it in their opinion necessary to break up the penal establishment at Norfolk Island; and instructions to this effect have been addressed by your Lordship to the Lieutenant-Governor of Van Diemen's Land.

"The immediate effects of these measures, the necessity for which was too apparent, is to throw upon the hands of the Government a rapidly increasing number of convicts sentenced to transportation, but whose sentences can no longer be carried into effect as they have hitherto been, by their being sent to Van Diemen's Land or Norfolk Island. The mode of their future disposal has received much anxious attention.

"The first question which suggests itself is, whether we can look forward to the resumption of transportation to Van Diemen's Land, at the expiration of the period of two years, for which it has been suspended. With the experience of the results of transportation to the Australian Colonies, the expectation of recurring to the former system of transportation to Van Diemen's Land at the end of this period, seems to me altogether illusory.

"It is of importance, in considering this question, to bear in mind the distinction between the fitness of the Australian Colonies as places for the reception of criminals after having undergone their punishment, and as places in which the punishment itself is to be inflicted. The favour with which the system of transportation was long regarded, appears to be attributable to this distinction having been in great measure

overlooked. There can be no doubt that new and thinly peopled settlements in which there is a large demand for labour, possess great advantages over a densely populated country, such as Great Britain and Ireland, for the reception of convicts after they have undergone their punishment. In this country, men regaining their liberty on the expiration of a penal sentence, often find great difficulty in obtaining an honest livelihood. In the general competition for employment, character naturally and properly secures a preference to men untainted with crime ; and the discharged convict is liable to be thrown back upon a criminal course of life, from the inability to procure employment by which he can honestly maintain himself. In the colonies, on the other hand, where labour is in great demand, this difficulty is not experienced, and the opportunity is afforded to the convict, on the termination of his sentence, of entering on a new career with advantages which he could not possess in this country, and of thus becoming an useful member of society. Such was the case formerly to a considerable extent both in New South Wales, and in Van Diemen's Land, though of late, in the last-mentioned colony, it has ceased to be so, owing to the large number of convicts annually sent there, and the consequent deficiency of profitable employment for those who, either on the expiration of their sentences, or as holders of tickets of leave, have been thrown upon their own resources, in the midst of a population of which a large proportion has been criminal.

“ Considering these colonies, however, as mere places of punishment, it is difficult to discover any grounds for recurring to the recent system of transportation. In order to counteract the impression produced in this country by the favourable accounts transmitted from time to time by convicts in Australia, of the advantages of which they found themselves in the enjoyment, it was thought necessary to increase the severity of the punishment, and to render transportation more penal in its character. With this object, all convicts on their

arrival in the colony were retained in the hands of the Government, and subjected to a system of forced labour. But so far from possessing any advantages over this country as places for carrying out this strictly penal system, the colonies appear to labour in this respect under serious disadvantages. Without adverting to the comparative expense of enforcing this system at home, and in these distant colonies, it is obvious that in the most important respects, they offer fewer facilities than exist in this country for carrying out an efficient system of penal discipline. The Government is, of course, unable to exercise the close and vigilant supervision over the practical working of the plans adopted for the management of the convicts which can be secured here; and there is less opportunity in the colonies of obtaining the services of a sufficient number of well qualified officers for their superintendence.

“The immediate convenience of removing from our own shores, a large number of criminals to undergo their punishment in a distant colony, has thus been attended by a diminution of the means by which the Government could adequately discharge its responsibility in the subsequent care of them; and has, it is to be feared, led to results equally injurious to the interests of the convicts themselves, and to those of the community to which they have been transferred.

“On a careful consideration of this question, I am unable to devise or suggest any precautions or regulations by which the transportation of a considerable number of criminals to any of our Australian Colonies, to be there kept under sentence as convicts, can be resumed without the certainty of a recurrence of the evils which have heretofore resulted from it; and I think that the transportation of male convicts to Van Diemen’s Land, as hitherto carried on, ought to be wholly abandoned. Should your Lordship concur in this opinion, I would suggest that it should be intimated to the Lieutenant Governor of Van Diemen’s Land, that it is not the present intention of Her Majesty’s Government to resume the transportation of male convicts to that colony.

“I feel it incumbent on me in suggesting this course, briefly to state the outline of the system which I propose should be adopted with regard to convicts sentenced to transportation. In dealing with this question, I find considerable facilities afforded for its solution, by the great improvements which have been recently made, and which are still in progress, in the prisons of this country. The system adopted at Pentonville Prison, and the arrangements for carrying it into effect, have been subjected to the test of considerable experience; and proper means have been provided in many prisons in the country for the introduction of the same system. It may now I think be assumed, that under careful and vigilant superintendence, the system may, within strict limits as to time, be generally applied with safety and advantage to persons sentenced to transportation.

“The general outline, therefore, of the plan which I propose should be adopted with regard to this class of persons, is a limited period of separate imprisonment, succeeded by employment on public works, either abroad, as at Gibraltar and Bermuda, or in this country: and ultimately followed in ordinary cases, by exile or banishment for the remaining term of the original sentence.

“It is not necessary that I should here enter into a minute detail of the arrangements and regulations which will be required for carrying out each of these successive stages of punishment. It may be sufficient that I should state, that it is intended that the first stage, that of separate imprisonment should in no case exceed eighteen months; and that the average term of such imprisonment should not be more than one year. It is proposed that this imprisonment should take place either in Pentonville Prison, or in such of the prisons in the country as shall be ascertained, on inspection, to have made arrangements properly adapted for carrying out the system of separate imprisonment, and in which spare accommodation exists beyond what is required for local purposes. It is com-



computed, that in addition to the five hundred cells in Pentonville, there are, or shortly will be, available in other prisons, a large number of cells for the reception of prisoners sentenced in Great Britain to transportation; and measures are in progress for the erection, in Ireland, of a prison on the model of the Pentonville Prison, for the reception of Irish convicts. It is further proposed that this separate imprisonment should, towards its close, be gradually relaxed, with a view to prepare the prisoners for the second stage of punishment, employment on the public works.

“It is intended, that on the expiration of the period of separate imprisonment, the prisoners shall be sent, as at present, to Millbank; and that they shall be sent from thence according to the circumstances of their respective cases, either to Bermuda or Gibraltar, or to other places which may be appointed by Her Majesty in Council, out of England, or to employment on public works in this country, such as the construction of harbours of refuge, or works under some public department.

“I am deeply sensible of the importance, in having recourse to this mode of punishment, of taking the most effectual precautions against the recurrence of those evils which resulted from the indiscriminate association of convicts under the former hulk system. Before, however, any convicts will enter on this second stage of their punishment, they will have passed through a course of separate imprisonment accompanied by a system of moral and religious instruction and of industrial training which, it is hoped, will in most cases be attended with a beneficial effect on their character, and have prepared them for that intercourse with their fellow prisoners which is inseparable from any plan for the employment of convicts on public works, and which, under certain restrictions may in itself be made conducive to the progress of their reformation, and to their preparation for a return to society on the expiration of their sentence.



“While in this stage of their punishment, care will be taken for providing them with proper accommodation, efficient superintendence, and adequate means of moral and religious instruction; and it is intended that incentives to industry and good conduct should be furnished by adopting, with such improvements as experience may suggest, the system recommended by Colonel Reid, the late Governor of Bermuda, and already partially tried in that island with considerable success. This system is in principle, though not in all its practical details, very similar to that which has been ably advocated by Captain Maconochie. Its most important features are, that the convicts work by task, and that a regular register is kept of the amount of work done by each convict, and of his conduct, by which means the labour is no longer exacted by the mere influence of fear or coercion, as in the case of slave labour, but motives of a higher class are called into action by the offer of advantages, both immediate and prospective, to the industrious and well-conducted.

“On the release of prisoners from this second stage of punishment, it appears to me of the highest importance that in connexion with the remaining portion of their sentence, they should not be deprived of the advantage to which in a former part of this letter I have adverted, and which transportation to New South Wales formerly conferred, in the facility of entering on a new course of life, and of obtaining a livelihood by honest industry. As the system proposed to be pursued in the management of convicts will be of a more reformatory character than it has hitherto been possible to adopt on any extensive scale, it may be hoped that a large number, at least, of the convicts who will have been subject to it, will have acquired principles and habits which will dispose them, if placed in favourable circumstances, to avail themselves of the opportunity of becoming useful members of society. It is proposed, therefore, that, as a general rule, and whenever the conduct of the prisoners may render them fit subjects for

the indulgence, conditional pardons should be granted to them after a certain time passed in penal labour; the term of such labour varying according to the length of the sentence, the conduct of the prisoner, and other circumstances. The condition of the pardon would be the same as that now enforced in the case of the exiles from Pentonville; namely, that they shall quit this country, and not return to it during the term of their original sentences.

“ But it is not proposed to carry this part of the plan generally into effect in the manner in which it is now acted on with regard to the exiles from Pentonville. To send large numbers of convicts collectively to any of our colonies, though they were to become free on their arrival there, would, if continued for a series of years, lead to many of the evils which have resulted from transportation. While the number was comparatively small, no material inconvenience might arise from the plan hitherto adopted; but in proportion as the numbers were increased, would be the difficulty of their being absorbed in the general population of the colony, and the risk of their being considered a distinct and separate class, differing but little from the present convict population of the penal colonies. Nor would it be easy to provide against the gradually increasing disproportion of the sexes, owing to the conveyance of large numbers of adult males to the colony selected for their reception. It is proposed therefore that on obtaining the conditional pardon, the only restriction on the liberty of the persons holding such a pardon, should be the prohibition of remaining in this country; and that facilities for emigration should be afforded them individually instead of collectively, a portion of the earnings of each prisoner during the period of his imprisonment and employment on public works, being applied towards the expenses of his emigration, or, in certain cases, reserved towards defraying the expense of sending out his family.

“ It may be necessary to require, in the case of prisoners

liberated at Bermuda or Gibraltar, that they should not remain in, or return to, either of those places.

“ In addition to the general plan thus contemplated, there will probably be cases in which the mercy of the Crown may safely be exercised in favour of prisoners, without enforcing the condition of exile, where their friends or other persons of character and respectability may undertake, on their liberation, to receive and provide employment for them, or become answerable for their future conduct.

“ The number of women sentenced to transportation is comparatively small; and for the present I do not propose that any alteration should be made in the manner of disposing of them.”

In pursuance of the plan thus explained, an arrangement was entered into between the Secretary of State for the Home Department and the Magistrates of Berkshire, by which it was agreed that, at first, forty prisoners confined in the Millbank dépôt should be subjected, for terms varying from nine to eighteen months, to cellular imprisonment at Reading.\*

The state of mind in which these convicts were found when brought to the prison, as observed by the visiting justices in their first report upon them, was most “ unfavourable.” Hardened by repeated transgression, having been most of them frequently convicted; degraded by previous association in gaols; ignorant as to the nature of their new

\* A yearly rental of £6 per annum is paid by the Government for the occupation of each cell, and the proportion of all expences connected with the gaol establishment.

punishment, and unacquainted with the destiny which awaited them : these, amongst other causes, forbade the sanguine hope of very successful efforts. At the time I write they have been just seven months in separate confinement. I proceed to describe the treatment to which they have been subjected, and the results so far as at present shown.

These criminals having been entrusted to the authorities of this county, have of course been under that penal discipline and corrective instruction which has been pursued with so much success towards their own county prisoners. The learning of a trade and industrial training, although necessary and not to be neglected, was to be held subordinate, and by no means to interfere with that moral and religious education upon which hopes of reformation were founded.\* It was stipulated that during the first

\* The following is an extract from the first Report of the Visiting Justices respecting these convicts :—“ It is important at the present moment to notice the fact, that the success of our reformatory discipline hitherto, is attributable, under the blessing of Divine Providence, to the principle of *corrective instruction*, with which no other occupation is allowed to interfere, in a manner so as to counteract or diminish its influence, because the secondary occupation of trade instruction, which is not suitable to county prisoners, will form part of the discipline properly applied to the Government transports, and will require some discrimination as to the degree in which it may beneficially be allowed. The magistracy of Berks cannot too clearly and explicitly state, that as by the existing agreement, ‘ All authority over the Government prisoners is



month or six weeks no manual occupation should be permitted, but that it should be a term of reflection to the criminal, interrupted only by necessary exercise and correctional instruction. The good effect of this temporary deprivation was so evident that I am sure none could witness it without desiring that such a plan might be universally adopted. The obdurate were subdued; consideration produced sorrow; many who had previously denied their guilt, then acknowledged it with bitter self-reproach; advice was welcomed and instruction most thankfully received. Then their attention was first drawn towards, and the mind fixed upon, truths painful and therefore repugnant to them. They were forced to think, and thoughtfulness taught them their folly, and they were told the sad consequences of their offences. Remorse seized upon

to be exercised by the visiting justices and authorities of the gaol, as in county prisoners; any communication with these prisoners connected with discipline, except through the responsible officers of the county, is to be deprecated. Beneficial as industrial occupation may be rendered for prisoners whose term of imprisonment is long enough to embrace both mental and manual instruction, it may be necessary to withhold the latter for a while until better progress has been made with the former, or to take away for a time the more attractive amusement of handicraft occupation, after it has been granted, in cases in which it is found to interfere with instruction of a higher and more indispensable character. Under any circumstances, manual labour should be permitted as an indulgence and an encouragement, and not as a punishment."

many, and when seeking relief with confession and resolutions to forsake evil, they were directed to an unfailing source of comfort. Repentance followed, and by this discipline I trust the hearts of many of these "disobedient were turned to the wisdom of the just" Several have since expressed to me their sense of the advantages which attended and were derived from this preliminary process, and their thankfulness that such a plan was pursued.

When about two months had elapsed \* the general behaviour and mental improvement of these convicts, with only one exception, (see Vol. i. 226) had been such as to warrant that relaxation of punishment, and lessening of the time assigned exclusively to corrective instruction, which would result from allowing manual occupations. Still the handicraft, however profitable, was not to prevent the educational process of a higher character. The principles which have been before insisted upon were to be exemplified. These men whilst taught a trade were not to be treated as machines only impelled by force and kept in order by constraint, but to be taught motives and to be supplied with incentives to industry which should render it habitual and permanent.† Instructors in the trades

\* The term somewhat exceeded that at first proposed, on account of some arrangements with the Home Office, respecting the work of these convicts not having been completed.

† We thus deal with criminals as rational agents, and instead of obliging them by threats and force, we bring them to

of tailoring and shoemaking were at this time provided by Government, and about five hours of the

the use of their reasoning faculties, and require proofs of their exercise. If industry be a duty, we not only teach this, but ascertain that the truth is known, and take care that the lesson is learnt from the Bible as the best instructor. The following is one of many similar papers written by these convicts on this subject:—

### WHY SHOULD I BE INDUSTRIOUS?

God never made man to be idle.

Gen. ii. 15.

The industrious man shall be rewarded.

Prov. xii. 11.

Prov. xxvii. 23—27.

— xii. 24.

— x. 4.

— xxii. 29.

Luke xix. 12—22.

Poverty and want will follow the idle man.

Prov. xix. 15.

Prov. xx. 4—13

Prov. xxiii. 21.

An idle man is sure to get into mischief.

2 Thessal. iii. 11—12.

Ephesians iv. 28.

He is injurious to his fellow man.

Proverbs x. 26.

Proverbs xviii. 9.

A lazy man is a foolish man.

Prov. vi. 6—11.

Prov. xxiv. 33—34.

Prov. xxvi. 13—16.

Prov. xix. 24.

Prov. xxii. 13.

A man is unhappy when he is idle.

Proverbs xv. 19.

An idle man does not love his neighbour as himself.

Our duty to our neighbour is, "Not to covet or desire other men's goods, but to learn and labour truly to get mine own living; and to do my duty in that state of life into which it shall please God to call me."

An idle man is not a Christian, although he may be called one.

Rom. xii. 11—17

1 Thes. iv. 11—12

1 Tim. v. 8.

day were to be spent in one or the other of those employments.

The improvement which has been made may be best shewn by the following :—

TRADE INSTRUCTORS' REPORT AS TO THE PROGRESS  
OF THE CONVICTS.

We have had forty prisoners under our care for the last four months to instruct in Tailoring and Shoemaking. When we first commenced they knew no more than a person would on just commencing his apprenticeship.

On giving out their work, our directions have been, do not hurry, but do it as well as you can, you have no quantity allotted you as a task, but do your work well, and try and learn.

We can state that the men generally have been very attentive, and have made considerable progress. Those engaged in Tailoring, can, with a little instruction, make up a Suit of Clothes, consisting of Jacket, Waistcoat and Trousers; and the Shoemakers can do the same with a pair of Shoes.

We have had much experience in our respective trades, and having worked for some time in other towns besides Reading, have had many opportunities of observing those engaged in learning; and we can state, that we never saw anything like the progress made by the men now under our instruction.

March 16th, 1848.

H. S. } Trade  
G. B. } Instructors

The amount of knowledge possessed by these convicts when first subjected to their corrective treatment, and the progress which has been since



made, will be seen by the following Report of the schoolmaster :—

State of Education as reported when received August 5th, 1848.				Progress to March 5th, 1848, shewing what has been learnt by the Convict.
No.	AGE.			
1.	39.	Could read and write		The Gospels of St. John, St. Matth., & St. Mark, &c. &c.
2.	34.	Ditto	.. ..	The Gospel of St. John and St. Matth., Psalms, &c.
3.	21.	Read and write imp.		The New Testament from St. Matth. to 2 Cor.
4.	18.	Ditto	... ..	The whole of the New Testament, &c. &c.
5.	23.	Ditto	... ..	The Gospel of St. John, Matth. i. to xxvi., Ps., &c.
6.	25.	Could not read	..	The Gospel of St. John, Matth. i. to xxvi., Ps., &c.
7.	31.	Read and write imp.		St. John, Matth. i. to xvi.
8.	18.	Ditto	... ..	The four Gospels, &c.
9.	19.	Ditto	.. ..	The New Test. to Rom. ix.
10.	25.	Ditto	.. ..	Ditto to 2 Cor.
11.	28.	Well educated	.. ..	The New Test. as far as Ep. Philemon, (omitting St. Matth. and St. Mark)
12.	21.	Read and write imp.		The whole of the New Testament, &c.
13.	28.	Ditto	... ..	The Gospel of St. John, St. Matth. and St. Mark to iv.
14.	28.	Could not read	...	Has learnt to read and write, and committed to memory the Discourses of our Lord
15.	25.	Read and write	...	The three Gospels, &c.
16.	42.	Ditto imperfectly	...	Discourses of our Lord, Ps. li., cxxxix., &c.
17.	21.	Ditto	... ..	The Gospel of St. John and St. Matth., Mark i. to xii.

State of Education as reported when received August 5th, 1848.				Progress to March 5th, 1848, shewing what has been learnt by the Convict.
No.	AGE.			
18.	27.	Ditto	... ..	Discourses, St. John i. to vi.
19.	27.	Could not read	...	Learnt to read and write, St. John i. to xi.
20.	18.	Read and write	..	The New Testament to 2 Cor.
21.	20.	Ditto well	...	Ditto to 2 Thess.
22.	26.	Ditto	... ..	Ditto to 1 Cor.
23.	34.	Could not read	...	Has learnt to read
24.	18.	Read & write imp.	...	The Gospel of St. John and St. Matth., &c.
25.	21.	Ditto well	...	The New Testament to 2 Cor.
26.	20.	Ditto imperfectly	..	Ditto to Ep. Gal.
27.	21.	Could not read	...	Ditto to 1 Cor.
28.	18.	Read and write well		The whole of the New Testament and the Psalms, &c.
29.	30.	Could not read	...	Very little progress
30.	38.	Read and write well		The Gospel of St. John and St. Matthew, &c.
31.	22.	Ditto	... ..	The four Gospels, Ps., &c.
32.	24.	Ditto imperfectly	...	Two Gospels, &c.
33.	21.	Could not read	...	The four Gospels, &c.
34.	27.	Read and write well		The four Gospels, Ps. li., &c.
35.	20.	Ditto imperfectly	...	The New Testament to Gal.
36.	20.	Ditto	... ..	Three Gospels, &c.
37.	23.	Ditto	... ..	St. John i. to xii. (has been in bad health)
38.	28.	Could not read	...	St. John's Gospel, Matth. i. to xii., &c.
39.	23.	Ditto	... ..	Ditto, Matth. i. to xiii.
40.	29.	Ditto	... ..	Little progress made—can read imperfectly

I proceed now to speak of the apparent effect of the system to which the criminals have been sub-

jected, as respects moral reformation and religious improvement. And in describing these results, so far as at present shewn, I desire to write with all the caution which may be proper where observation of only a few months has been afforded; at the same time to bear a faithful testimony to what I believe to have been accomplished by that corrective instruction which has been constantly imparted.

There are persons to whom the religious reformation of a convict affords only a subject for ridicule. The very idea of a convert from such a class is in their view a delusion. Regarding themselves with complacency as possessed of too much discernment to be thus deceived, they look upon any who credit the repentance and real improvement of the heinous offender as men easily imposed upon, and in whose judgment little dependence can be placed. Vain would be the effort to convince persons who are thus supercilious and suspicious—themselves strangers to the spirit of christianity, and therefore destitute of that charity which is its prominent feature. Before such characters can estimate the power of scriptural instruction upon others, they must themselves be subject to its influence; and if the truth be offensive, it is on that very account the more certain, that they need as complete a renovation of heart as any of the criminals they distrust.\* To

\* The author would avoid more distinct reference to some whose personal attacks in ephemeral pamphlets are un-

such men the facts I am about to adduce will appear trifling, because they cannot appreciate their importance. To the christian they will be interesting because he can better estimate their worth, and to some extent foresee their effect.

The confession of offences, as the first step toward forsaking evil, has been very satisfactory. There are few of these convicts who do not acknowledge the perfect justice of the sentence which has been passed upon them—none who deny that their past conduct deserves punishment. A spirit of forgiveness prevails amongst them, and the desire to make restitution has been often expressed; some having small sums in their possession have proposed to remit them to persons whom they have injured, and by whom they had been prosecuted. Sympathy towards each other is shewn continually; their letters abound with warnings to former companions in guilt, and shew the most affectionate concern for the welfare of friends and relatives. Private religious duties, so far as I have been able to discover, are performed by many with constancy and much proper feeling; and in the public services of the Church their devout attention and whole demeanor is pleasing and exemplary.

Nearly three fourths of them profess to have been greatly impressed by the sacred truths which have worthy of notice, except as betraying a melancholy ignorance of the “things which a christian ought to know and believe to his soul’s health.”



been brought before them.\* With two or three exceptions, I dare not doubt their sincerity. Their

\* As the circumstances of these convicts are so much more favourable than those referred to by the Bishop of Tasmania, in his evidence, so I trust the effect of their religious instruction will present a contrast to the description of his Lordship.—"I must own myself, and it is a painful conviction to come to, that with the best intentions, with the highest talents, and with the most assiduous work on the part of religious instructors, they are able to effect very little permanent good. I myself have preached often to convicts, and as often I have been struck with their very great attention during the time of divine service; apparently they have been struck with what has been said; but I could not conceal from myself, that immediately after divine service these men have gone back to their huts, or to the mess-room, as the case may be; there they have been compelled to listen to conversation of the most depraved and profligate character; and if by God's grace a man's heart is a little touched by the delivery of Gospel truths, there is not one out of a thousand, or out of five thousand, who dares to exhibit any traces of penitence before his profligate companions. I may state one other reason why so little good is done in the gangs by religious instructors, —and it is an evil which stretches much further than during the time they are under bond,—in all these gangs religious instruction is necessarily of a compulsory character; a man, for example, is compelled to attend the chapel twice on every Sunday, if he evades it or shirks it he is punished. Is it to be wondered at, that, when the time of real or of comparative liberty comes, they should cast off attendance at the house of God with every other mark of their bondage? I believe I may truly say that all the clergy, although they may be able to tell of many instances of reformed characters amongst the convicts, lament the difficulty they have experienced of bringing these men to church."

conduct accords with their profession. Out of many more candidates, I have admitted seventeen to the Holy Communion. This is the best assurance I can give of my own confidence in the change and correction of these prisoners; because, I am slow in receiving any convicts to that Holy Sacrament, and although I cannot refuse the applicant who is sufficiently instructed, who professes repentance and faith, and affords no proof of insincerity; yet I never administer the sacred ordinance to one whom I have not first solemnly warned, and whose conduct I have not most carefully watched. I feel then, warranted, in asserting that a very large proportion of these convicts will leave the prison walls as enlightened christian men; whilst concerning the whole body, I am sure it may be said, that as respects knowledge, morality, and religion, they will be vastly superior to the class of unconvicted men amongst whom they had before lived.

But though we can only describe the condition of these men as very *promising*, I refer, with satisfaction and thankfulness to the last Report of the Commissioners of Pentonville Prison, as affording pleasing testimony to the reformatory effect of the similar discipline which has been there pursued—"We feel warranted in expressing our firm conviction that the moral results of the discipline have been most encouraging, and attended with a success which we believe is without parallel in the history of prison discipline." \*

\* Fifth Report, p.p. 15—39.

referring to the exiles who had been under the discipline of that prison, observes—"In comparing the conduct of these convicts upon debarkation with the like number of prisoners emancipated from other gaols, it is not exaggeration to affirm that no prison in this country, *not on the Separate System*, can bear comparison with Pentonville in the great moral and beneficial results with which it has pleased God to crown the noble designs which originated its establishment, and the efforts of those who from the first were employed in carrying them out."

Some doubt has probably arisen in the mind of the reader as to whether, if the separate imprisonment of the convict is to constitute the punishment for the heinous offence on account of which sentence of transportation has been passed, that penalty is sufficiently severe. I do not here discuss the question how far the dread of punishment may deter the vicious; but I do with confidence assert that the fear of transportation is greatly increased by that previous seclusion which is now involved in such a sentence. It has long been the practice of Judges and other authorities to forewarn the prisoner, when determining his punishment for the first offence, that if he be again convicted, transportation will be his punishment. The number of re-committals is evidence enough that the threat is ineffectual. The only considerable diminution in the number of this class is found where the separate system is judiciously enforced. As to the feeling of criminals on

the comparative severity of the punishment I might adduce much evidence. I insert the testimony of two or three. The Governor of the Glasgow Prisons, in a paper lately written on this subject, observes :—

“It is allowed that one of the most important objects of punishment is to warn others from imitating the example of the offender, and deter them from the commission of crime. Now the fact is, that, in general, instead of being looked upon with terror, and having a deterring influence, transportation is viewed by a very numerous class of criminals as a kind of “*land of promise*,” to which they have been looking forward from the moment of their first departure from rectitude. I am thoroughly convinced that if criminals were left to choose between a confinement of two years in the prisons in Scotland [which are on the Separate System] and transportation to the colonies for seven or even ten years, in five cases out of six the latter alternative would be chosen. However much they may afterwards experience its bitterness, it is plain that they regard it with no feelings of dread while it is yet in prospective.”

The convict, whose evidence has been before referred to, was asked—

“Which has the most terror for a person, transportation or imprisonment?”

“A. Imprisonment, *upon the separate system*?”

“Do not persons in general feel great dread of being sent out of the country to a penal colony?”

“A. No! They have more dread of being confined under this separate system, which they have at Milbank, or some place in London, before they go away.”\*

\* Evidence on the Execution of the Criminal Law. I. 455.



Before the same committee, the Chaplain of Pentonville Prison, stated—

“With reference to the severity of transportation in itself, or, as compared, say with eighteen months separate confinement, and eighteen months subsequent labour in this country, with exile of some sort still to follow, I decidedly think that the majority of convicts would dread the latter sentence much more than transportation, as transportation has been carried on, even within the last few years.”

And in his last Report, the Chaplain of Lewes Gaol says—“ I have carefully impressed upon the prisoners that, according to present arrangements, a lengthened period of separate confinement will form the first portion of the sentence of transportation. And from the concern with which this information is received, upon the one hand, and the moral advantages connected with such confinement on the other, I am led strongly to hope that the sentence of transportation will act more beneficially than hitherto, both at home and abroad.”

From twelve to eighteen months having been spent under the punishment of cellular imprisonment—a punishment, severe, as we have shewn, in proportion to the depravity of character, but lessening in severity, according to the improvement which that discipline effected, the subsequent treatment of the convict now calls for our consideration.

The frightful aspect of our penal colonies, and the apparent evil of increasing the convict population, has given rise to the plan which has been described

of associating prisoners, and employing them on some public works; not, however, we are assured, without a sincere and earnest endeavour on the part of the Legislature, to prevent by diligent supervision, and some continued religious instruction, any recurrence of those vices and calamities, which have heretofore resulted from similar punishment.

Amidst so much, in the proposed measure, which must command approval—so many regulations, not merely advantageous to society, but calculated to ensure the lasting gratitude of many a corrected criminal—it is painful to observe anything from which a sense of duty obliges to express dissent; yet, so confident do I feel that, even under the very best arrangements, the companionship and exposure of convicts, would have a tendency to frustrate the benefits of former treatment, that I feel bound to deprecate this part of the plan, and, to express a most anxious desire, that it may never be pursued.

Although fully convinced that the separate system properly carried out for twelve or eighteen months, will commonly prove corrective, I dare not consent to the assertion that “any reformation is of little value that will not stand the test of association under any circumstances.” I am sure that neither the history of mankind, nor our own observation and experience, will warrant such an inference, whilst the precepts and monitory examples of Scripture plainly teach us that “good manners” may be corrupted by “evil communications,” and that reformation, though real,

is not always proof against seductive intercourse. I will not dispute, but that the instruction imparted, and the change effected, may be of permanent advantage, although the subject of it may for a time relapse; yet I can scarcely doubt that in very many cases such a falling off must be the effect of suddenly exposing the recent convert to the blighting influence of criminal association; subjecting him at the same time to the withering gaze of public scorn, and blasting all voluntary and virtuous effort by a debasing plan of compulsory labour.

I have insisted in the former volume, on the importance of fostering the principle of self respect, but it is difficult to conceive any plan more calculated to destroy such a feeling than that of forcing one in whom it has but lately been implanted or revived into the company of offenders, each conscious of others' guilt, and all alike degraded.

The agreement in opinion on this subject expressed by most of the learned Judges of the united kingdom in reply to the question submitted to them by the Committee on the Execution of the Criminal Law, was very remarkable. The common opinion may be learnt from the answer of the Lord Justice Clerk of Scotland, which is indeed a brief, but forcible summary of objections. "I look," says his Lordship, "on the *public exhibition* and *spectacle* of convict labour as the most objectionable scheme of any system of punishment which can be conceived,—necessarily hardening and brutalizing the convicts,—

revolting to the well disposed,—familiarizing the evil disposed to the *utmost* that is to happen, (which, after all, is *labour, food, and clothing,*) and tending to engender very bad feelings in the lower orders, who are working *hard* (*harder* often than the convicts) for daily bread, by exhibiting as a *punishment* and *degradation*, *that* which is the necessary lot of the great bulk of mankind,—hard, incessant, grinding, toilsome labour. Labour ought to be attended with respect: and the man who so earns his bread should be encouraged to feel elevated by that employment. The exhibition of the labour of convicts as a degrading spectacle must revolt the former class; it has always brutalized the convicts themselves.”\*

There is, we may now believe, but little fear of any return to the system of Hulk demoralization. The palpable enormities which were perpetrated by the convict gangs lodged in those loathsome habitations of cruelty and guilt, and which no vigilance could prevent, must forbid the re-establishment of such a system. France too is about to abandon her Bagnes, and to abolish her Travaux Forcés. Let us hope that no penal treatment will be retained in England which may, either in its operations or results, bear comparison to a system so degrading and disastrous.

It cannot be supposed that the detention of convicts subsequent to the penal discipline of imprisonment can be desired on the score of economy. A

\* Report, &c. II. 75.

question indeed scarce worthy of consideration at the risk of permanent correction. But surely the construction of proper abodes, and the cost of superintendence, must more than outweigh any expense attending immediate transportation.

An acquaintance with the former homes and connexions of the class of more heinous offenders will dispose every humane person to deprecate the pardon of the convict after his term of imprisonment, *with permission to remain in this country*. If intercourse with the gang would probably deteriorate, the return to former companions would expose to almost equal danger. Grievous results I am sure would follow if such a plan should be to any extent pursued. Let it once be known by prisoners under sentence of transportation, that such pardon may be obtained by temporary good conduct, and hypocrisy, with the other evils which have been described, will sadly prevail, and prevent correction. Nor will the consequences be less fatal to many, who, from better motives, may be well-behaved. The most obedient and best conducted prisoners are often of the most complying disposition, and least capable of resisting temptation. These then would almost certainly relapse if allowed to revisit scenes of former vice, and left within reach of old associates in guilt. Transportation affords to such an escape. Banishment alone gives them the prospect of bettering their condition. In compassion towards them, we plead for it.

Confident as I feel that the proposed system of



separate confinement will prove reformatory to a very great extent, unless its influence be frustrated by this expectation and uncertainty, which I would most earnestly deprecate, yet supposing hypocrisy should be induced, and an apparent but unreal change should cause the liberation of a number of criminals, whilst the submissive prisoner, so easily again seduced, should augment the class of emancipated convicts,—then, indeed, although these would be the first victims of mistaken policy, yet our innocent population must be deteriorated, and society at home suffer. Such a plan is in all respects inexpedient, and I am thankful that the late Select Committee of the House of Lords have so forcibly shewn this by the condition of other countries, to which they refer. “The evidence,” say their lordships, “both from France and elsewhere, of the evil effects produced by the liberation of many convicts yearly as their terms of imprisonment expire, would seem strongly to inculcate the necessity of obviating the great inconvenience of setting at liberty in this country on the expiration of their sentences those who had once been convicted of serious crimes.

“It appears that Christiania, the capital of Norway, is so injuriously affected by the proportion which the liberated convicts bear to the population—nearly one in thirty—that the inhabitants have been called upon by the police to provide the means of their own security from such persons. In France, where between 7,000 and 8,000 convicts are libe-

rated yearly, the superintendence of the police, (*Surveillance*) and the compulsory and fixed residence of the convict, are found very insufficient, especially since the invention of Railways. The residence of the liberated convicts is found to be a permanent danger to society. The system of imprisonment (*Reclusion*), or of the Bagnes or Travaux forcés, is of little effect in reforming, or even in deterring from a repetition of the offences punished, and the proportion of those re-committed for new offences is not less than thirty per cent. Thus of about 90,000 persons tried in the whole kingdom, above 15,000, or one-sixth of the whole number, had already suffered imprisonment, to say nothing of the corrupting effects produced on the community even by those who escape a second punishment.

“Looking to these facts, the committee are of opinion that the punishment of transportation should be retained for serious offences; that such punishment should in some cases be carried into effect immediately, in others at a later period; that the first stages of the punishment, whether carried into effect in this country or in the colonies, should be of a reformatory as well as of a penal character, and that the latter stages at all events should be carried into effect in the colonies, the convict being for that purpose retained under that qualified restraint to which, under the existing system of transportation, men holding tickets of leave or conditional pardon are subjected.” \*

\* Report on the Execution of the Criminal Law. ii. 6-7.

Happily for us, the abolition of the former system of transportation does not entail a *necessity* of retaining criminals at home. Distant lands invite the exile, and colonists proclaim a welcome. I quote on this point from the last Report of the Commissioners of Pentonville Prison :—

“ A desire has been expressed to receive and give employment to the ‘ Exiles ’ at the following places :—Melbourne, Geelong, Portland Bay, and Port Fairy, in the Port Philip District ; at Yass, a place about 200 miles from Sidney, in the direction of Port Philip ; and at Moreton Bay, in the northern part of the colony.\* A despatch has also been received from Lieutenant-Colonel Clarke, Governor of Western Australia, with a memorial from the Agricultural Society in the district of York, requesting a supply of labourers from Pentonville Prison.† Not the slightest difficulty has arisen in the way of the ‘ Exiles ’ finding on their arrival immediate employment ; and the Lieutenant-Governor of Van Diemen’s Land, in his letter to Lord Stanley, dated the 23rd February, 1846, expresses himself in the following manner :—‘ I lose no time in transmitting to you the letter of the Superintendent of Port Philip to your Lordship, as it is important for your Lordship to be made acquainted with the gratifying circumstance that there will be no difficulty in finding employment in the Port Philip district for any number of ‘ Exiles ’ that may be sent to the colonies.‡ It is also highly gratifying to learn that the conduct of the ‘ Exiles ’ has been generally excellent, their habits regular, and free from that intemperance which accompanies too often those who have obtained indulgence.’ §

\* Governor Sir George Gipps to Lord Stanley, 19 Feb. 1845.

† Lieutenant-Colonel Clarke to Lord Stanley, 20 May, 1846.

‡ C. J. Latrobe to Lord Stanley, 7th April, 1845—Sir Eardley Wilmot, 23rd February, 1846.

§ Sir Eardley Wilmot to Lord Stanley, 5th August, 1845.

“It further appears, from the Report of the Select Committee of the Legislative Council of New South Wales on the renewal of transportation, dated 31st October, 1846, that there is ‘uniform testimony given in favour of the decent and orderly conduct of the Pentonville Exiles landed some time since at Port Philip;’ and it is also stated in the minutes of evidence taken before that committee, that ‘the Exiles are generally admitted to be a most valuable acquisition to the colony;’ that they are ‘the best class of men the colonists ever had, and, as a body, superior to the class of immigrants sent from home;’ that they are ‘a young and hardy class of men, and very useful;’ that but ‘few instances have occurred of the Pentonville Exiles committing crimes since they have come to Port Philip;’ and that ‘if a large number of Pentonville convicts were introduced into Port Philip, they would immediately meet with employment among the settlers.’

\*       \*       \*       \*       \*

“No greater proof can be shewn of the estimation in which the conditional pardon men are held at Port Philip than that the men were hired from the ship, for about 20*l.* per annum, with their rations; one man obtained 35*l.*, and one even 50*l.*; and that, had the Superintendent been intrusted with five hundred, instead of fifty, he is certain that he could have procured them masters in one week. A gentleman who had hired some of the men from the ‘Sir George Seymour,’ engaged ten more from the ‘Stratheden.’”

The following is an extract from a letter of Dr. Robertson, R.N., written about six months since, on his return from Port Philip, whither he had taken a number of exiles:—

“During the ninety days I spent in the Port Philip district, I visited various parts of the country within a hundred miles of Melbourne, frequently meeting the exiles in fields, and on the roads, &c., some as shepherds, some as labourers in the

charge of wool-carts, and one as a bullock driver. They seemed to a man satisfied with the treatment they received from the country gentlemen; and I was glad to find that there was general satisfaction expressed by the latter. \* \* A petition was being signed for the purpose of inducing the Home Government to continue sending out these servants; and expressing their readiness to bear the half of any expense it may cost to send out their wives and children also. With respect to the number of men that might annually find employment in the district of Port Philip, I should say at least four thousand. I have been told double, by persons of experience—and I have no doubt that in a few years, as the stock increases at the rate of one hundred per cent., annually, they will require the larger number. At present the sheep are put into flocks of four thousand and upwards, from the want of persons to attend them in the proper divisions of one thousand each, much to the injury of the feed and stock." \*

The favourable prospect thus open, and the rate of wages thus willingly offered, suggests another advantage referred to in the foregoing letter. Transportation, as heretofore practised, was not only pernicious to the convicts themselves, but a dreadful calamity and source of crime to those dependent upon the victim of such a punishment. The evidence in another part of this volume will shew some proofs of this. Such evils may henceforth be prevented. The earnings of the convict may well enable him to pay a part, if not the whole expense of conveying his family. The cost of this may be required of him, whilst he is under that qualified restraint which may be for a time desirable, but we may

\* Quarterly Review, No clxiii. page 196.



confidently hope that the previous reformatory discipline will have so much increased and corrected his affections, that he will be inclined, at some personal sacrifice, to promote their emigration. If only a proportion be exacted for this purpose, wisely will the state, or the district to which his pauperized family has become chargeable, prevent crime by contributing the rest.

## CHAPTER II.

## STATEMENTS OF A CONVICT, ETC.

THE following observations, with some others of less importance, were written by a convict now in the prison at Reading—a man of much intelligence, whose behaviour in every respect justifies the confidence I feel in the perfect truth of his statements, some of which I have ascertained by enquiry to be correct. They not only shew the depraving effect of gaol association, but give an insight into the prison ward, which must prevent our wondering that all but the most base and abandoned characters prefer to be confined alone. I have given the facts and reflections in the convict's own words, only omitting the names of places and persons :—

“At — Gaol I found myself in company with eight others, who, like me, were under sentence of transportation. For the first few days I took little notice of them, the excitement occasioned by my trial having brought on illness ; but afterwards I had time to consider the character and disposition of those by whom I was surrounded. There were two for a highway robbery, committed hardly a mile and a half from my own residence, and on parties I knew perfectly well. These not only boldly acknowledged their crime, but gloried in the manner in which they had effected it. They also avowed themselves the perpetrators of a robbery which had taken

place at — fair. Others there were who had been guilty of burglary, some pickpockets, and some for petty thefts, completed the number of those with whom I had to associate.

“Their language was disgusting. The time which was not occupied in cleaning the prison was spent in relating their different adventures; in telling of their living without work, often getting 30*l.* or 40*l.* by the commission of one crime, and then until that was spent following a continued course of riot and debauchery. Relating tales respecting the different prostitutes with whom they had associated, and with some of whom, under the name of sisters, they still corresponded, and who likewise visited them under that name,—this too was the way in which that portion of the Sabbath not occupied by Divine Service was usually spent. Giving proofs of their dexterity by picking each others pockets was another favourite way of passing time, shewing how easily it was done by lifting up the bottom of the tail of the coat, and then gently but quickly drawing the handkerchief out, saying also that a pocket-book could be removed in the same way.

“It soon began to be noticed that I did not join in the laugh with them, in fact that I kept as much as possible aloof. One of them having stolen some soup, a portion was offered to me, and upon my refusing to partake of it, they asked whether if any inquiry was made respecting it I should tell. I answered that if I was asked of the matter I must tell the truth. This brought on me a shower of invectives. I was called a nose (a flash term for one who tells anything of another), and told I had better not, or it would be the worse for me. Two or three days after this the Governor came into the ward at dinner time, and requested me to follow him into his office as he wished to speak with me. When I returned I found my dinner gone—no one knew what had become of it. But this was the least annoyance. They had taken it into their heads that I was gone in to tell the Governor all that they had been doing and saying. It was in vain that I told them

that it was on a matter wholly concerning myself, and that it did not refer to them in any way. They would not listen to me, but called me every name they could think of, indeed one man told me with an oath that if I said anything respecting him he would smash my head. From that time until my removal to — I led almost a dog's life amongst them, insulted and having my feelings wounded in every way. This indeed, when day after day you are forced to endure it, is **VERY HARD TO BEAR**. Our number before that removal was increased by other prisoners, one of whom was without exception in the habit of using the most filthy and disgusting language I ever heard, and the worst of it was he knew much better. He could read well and was well versed in Scripture, quoting it often to justify his own evil ways. Indeed so foul was his language one afternoon, that the others, bad as they were, told him to desist. He immediately referred them to —, asking whether it was worse than was written in the Bible. I told him that was an Eastern figure, signifying great misery and degradation; he, I believe, knew this very well, as he had been both in Syria and Egypt.

“Even in the night it was not my lot to be free, for there slept in the same cell with me two others, one of whom had such a habit of swearing, that he swore in his sleep, and often in the night have I heard the muttered curse and filthy expression proceed from his lips.

“They appeared to be destitute of natural affection towards their relatives and friends. I well recollect one man who when his aged parent wept at the interview with him, swore at him and asked him what he was snivelling at—that he had agreed for fourteen years and should serve it like a man. This on his return to the ward he related to his companions, who applauded him as “a fine fellow,” or as they called him, one having “good pluck.” There was one man indeed, who on receiving a letter from his aged mother, did shed a few tears, but he was laughed at, and unable to bear it soon joined

in the laugh, tearing up the letter, and was then praised. Another man told me he had a brother and sister in very respectable circumstances, his brother he said held a situation in the powder mills at —, and had a salary of from two to three guineas weekly. At his desire I wrote to him. For the first few days he was very uneasy at not receiving any reply, indeed on the Sunday following, during divine service, he burst into tears, and sobbed so loud and violently that he was removed from the chapel. After service I asked him what was the matter. He told me he could not help thinking of his brother and sister, and was afraid they had cast him off, for said he, I have led a wicked drunken life. (He had been wandering about the country with a prostitute, and had been five times convicted for petty thefts.) I begged of him not to think so, but to endeavour seriously to amend his life, and added that when they saw that he was indeed reforming, no doubt they would gladly receive him. My advice seemed to weigh with him, but unfortunately the others requested to know what was the matter, he told them, and likewise the conversation he had had with me, they immediately began to laugh, and one said never mind George, I would see them (meaning his brother and sister) —, before I would write to them again—write to your old woman (the prostitute with whom he had been living.) He did so, under the name of sister.—An answer came. See he said, the old woman is better than my own brother and sister. — them, I will think no more of them. I have told this almost word for word as it occurred.

“These scenes brought to my recollection what had been brought forward in evidence at a trial for burglary at the Quarter Sessions. The prisoner had been previously convicted of robbing his master, and sentenced to six months’ imprisonment, which he served in — Gaol; whilst there it appeared he planned the robbery for which he was then on his trial. A man who was in — prison with him, came and gave the following evidence :—I was in — Gaol with the prisoner.



I was in gaol for stealing corn for my master's horses ; he was in the same ward with me ; he asked me whether I was a mind to go and help him rob a house ; I asked him what house ; he said Miss ——, at —— ; he said I know the house well, for I have been there with my master (the prisoner had been a gentleman's servant), and there is no danger, and we shall get plenty. I did not go, said the witness, for I was afraid. The prisoner was convicted and sentenced to 15 years' transportation.

“ The following facts, illustrative of the bad effects of allowing prisoners to associate together, and the encouragement they give each other in cherishing vindictive feelings against their prosecutors, and the judge who tried them, occurred during the assize week :—

“ One of the prisoners on entering the ward in the morning said, ‘ I saw my master last night (the windows of the cell in which he slept commanded a view of the road in front of the Sessions-House) ; the little blackguard was cutting about (i.e. moving briskly) in the road ; —— him, I could have robbed him of 300*l.* only a week before I was taken up, and I only took 30*l.* in small sums at different times for the use of my family, and now the —— blackguard has prosecuted me. Serves you right, said three or four more of the prisoners, for not cutting off with the 300*l.*

“ Another who had been convicted of endeavouring to extort money under very aggravated circumstances, no less than threatening to accuse his prosecutor of attempting to commit an unnatural offence, said —— and —— all prosecutors ; there is mine will swear to any thing, —— him. I did get a good deal out of him, and I would have ruined the —— (here an expression was used too bad to be repeated) if I could.

“ A third, alluding to the judge, said, ‘ Call him a judge ? why he told the jury they would not do their duty unless they brought me in guilty, he was more like a prosecutor's counsel than a judge.’ (One of the turnkeys told me the evidence

against the prisoner was very clear, indeed, from his own tale, I had no doubt of his guilt.) ‘—— him, I should like to cut his throat with my hog knife.’

“ ‘Ah!’ said many of them, ‘prisoners will never have justice done all the time prosecutors and witnesses get their expenses paid; they only come against us for the sake of a holiday, and so transport us poor devils.’

“ I was particularly struck with the following occurrence:— A man and his son were to be tried for stealing some clothes, the man was a soldier, and his son a lad of about nine or ten years of age. The lad told me that he should plead guilty. I asked why? he said, if I plead guilty, I shall tell them that I took the clothes, and that father knew nothing about it, because if father is found guilty he will lose all his years of service, and wont be able to get his pension: they will only give me (because I am a boy) a short time in prison, and that I don’t mind.’ I said, ‘Has your father been telling you to do this?’ He answered ‘Yes.’ This shallow artifice did not succeed, but was discovered immediately in court; but still the fact remained—the father had first taught his boy to steal, (for the lad told me that his father had sent him to take the clothes, and to bring them to him) and was thus in prison still further urging him in wickedness.

“After my removal to ——, I, of course, saw many others, and although from the increased number of officers, a greater degree of order was observed, still the same evil spirit manifested itself. If a man knelt down to pray before he went to bed (for in the ward where I was, they slept eighteen and ten in a room), he was sure to be pointed at, and the sneer and laugh went round amongst his companions. The language also was at times very bad. One incident, shewing how prisoners build up one another in wickedness, I will mention. There slept in the same room with me, nine others; one of them an old man grey headed, who told me he was above 70 years of age, was asked by one of the others, ‘How many years

have you got?' 'Seven,' he replied 'What for?' 'Stealing a goose,' he said; 'and after I get over this, I will steal another one.' 'Bravo, father!' three or four of them said, 'you have got some pluck in you yet!' The prisoner who slept next to me, and who had been respectable, whispered, 'What a shocking sight, an old man just tottering on the grave, thus glorying in his wickedness, and determining to continue therein; and the rest of them applauding him!'

"But I gladly turn from this to a consideration of the effects likely to result from the system pursued in the prison at Reading.

"The advantages of separating the prisoner must be plain to all who have seen the fearfully contaminating effects of allowing prisoners to associate together.

"Another feature is the endeavour to implant correct principles in the heart. This, indeed, must be dependant on the former, as it would be useless to attempt anything of the kind, were not separation strictly enforced.

"To the youth who has committed his first offence, such a system will prove a blessing. Cut off from wicked associates, he is prevented from becoming deeper initiated in crime, whilst every care is taken to set him forward in the right path.

"The man who, conscious of the wrong he has committed, not only against society but against God, and who earnestly desires to forsake that which is evil, will be glad of the quietness and solitude, that he may review his past life, with a view, by the blessing of God, to avoid those rocks on which he has split, and assisted by His grace to form resolutions for a new life. Although in solitude, he is not alone, for God is with him; and though he feels the chastisement of his heavenly father, yet he can but remember, that had not God loved him, He would not have brought him where pardon, through the blood of Christ, is continually offered him, but would have cut him off in his sins.

"To the ignorant criminal it is indeed a benefit; not only

is he instructed in reading, &c., but taught for the future to avoid that which is evil, and to follow that which is good.

“ Even for the man who is become hardened in crime, it is the best that can be adopted. Deprived of the applause of his wicked companions, he has nothing near the incentive to vice which he formerly had—he cannot now, by mingling with them, fly from himself. Conscience, now no longer lulled under the stupifying effects of beer and tobacco, tells him in plain terms of his former wrong courses: for let a man be never so hardened, there are times, ESPECIALLY IN SOLITUDE, when conscience WILL SPEAK OUT. If he becomes convinced of his former wretchedness, every encouragement is held out to him to proceed in the good way: he is taught that there are ways and means of pleasant and profitable enjoyment, viz., by reading, &c., without seeking it in the beer shop, or the company of the profligate, and he has set before him that Saviour who has loved him so much as to die for him, and who, if he will only have faith in His blood, and will follow His footsteps, will make him happy here and in the life to come.

“ The only class of men whom it appears to me this system will bear hard upon, are those who are determined to continue in wickedness, and who obstinately resist all attempts to reform them. And such ought to suffer. For them I can hardly conceive of a more dreadful punishment than to be deprived of all stimulants of body or mind, and subject to the lashings of a guilty conscience; though even from this, were the solitary system universally adopted, good probably would result, as fear of the punishment might deter even them from crime. At any rate they would be prevented from corrupting others.

“ I cannot help contrasting this punishment with that still pursued in many counties; I mean the *treadmill* and *hard labour system*. The former punishment is of a remedial and exemplary character, the latter partakes of *vindictiveness*.



The one treats a man as a mere animal, the other as an intellectual being and a moral agent. The first aims at enlightening the understanding and purifying the heart, the latter wearies the body and often breaks the constitution by oppression and excessive labour, and leaves the moral agency of man out of the question. In short, the one resembles an attempt to stop the pernicious effects of a polluted stream by damming it up, the other aims at cleansing the spring. In the former case, when the barrier is removed its pollution is found increased and it rushes onward with greater fury, in the latter it becomes a blessing instead of a curse. To sum up all, the old system has a tendency to make a man ten times worse than he was before, whilst this has restored and will continue to restore many a fallen one, and to render those who were a pest to society useful members thereof.

“In conclusion, I would suggest that the first week of any prisoner’s confinement should be passed wholly in solitude ; that he should be without employment and have no books but the Bible. This suggestion is not merely speculative, but the result of my own experience. I know the first week I was here was spent in serious self-examination, and earnest prayer to God to assist me in the good resolutions which I formed. The sincerity of those nought but my future life can prove ; but I believe that if God spares me, I, and those nearest and dearest to me, shall have reason to bless God that ever I came here. Under these feelings, I cannot but wish the efforts of those who are promoting this system God speed ; for I believe it will be, under His blessing, the means of turning many a poor sinner from the error of his ways.”



## CHAPTER III.

OBJECTIONS AGAINST SEPARATE IMPRISONMENT PUBLISHED  
IN THE MEMOIR AND LETTERS OF MRS. FRY ANSWERED.

I have referred in the former volume (p. 149) to the opinions which were entertained on the subject of Prison Discipline by that distinguished female philanthropist, Mrs. Fry. The recently published memoirs of that excellent woman, reviewed as they have been in every periodical of importance, have made known those opinions throughout the world. Yet, unconnected and far separated from each other as they are found in the records of her life, and in the extracts of reviews, few perhaps have learnt what were her real sentiments on this important subject. They know she objected to the adoption of the Separate System, but on what those objections were founded, and how limited their extent, few perhaps have considered. If Mrs. Fry's opinions read, remembered, and imbibed, were only applicable to the theory of punishments, without the tendency to any *practical* influence, we might pass them unnoticed and suffer affection to overlook error. But such is the veneration cherished towards one so deserving, that with numbers her opinion must excite prejudice, and prevent any effort to promote an

object of which she is believed to have disapproved. Hence the duty of exposing errors, and of endeavouring to correct mistaken impressions is plain, however painful. I enter upon the task with reluctance, because I seemingly oppose, though less in reality than appearance, one of the most holy, sincere, and devoted persons that ever adorned the Christian name; possessed at the same time of talents superior to most; and if her opinions on some points were unsound, I think we shall discern those to have been the result of some peculiarity of character, of creed, and of circumstances over which perhaps she had little control.

The first extract I give from the Memoir of Mrs. Fry, is part of a letter on the subject of Prison Discipline, dictated by herself, but written by her husband to M. de Beranger:—

“The subject of separate confinement is one presenting many difficulties, from the diversity of views taken by so many persons of talent and humanity; and my wife has thought that I could not better convey her ideas than by simply stating the arguments that appear to her to bear with the most weight, favourably or unfavourably on the question.

“The following she considers the most prominent reasons in favour of separate confinement:—

1. “It prevents, with the most certainty, all contamination from their fellow-prisoners.
2. “It prevents the formation of intimacy, or acquaintance, with persons who may prove highly injurious associates in future life.
3. “It affords more opportunity for serious reflection, and should any become religiously disposed, for prayer and medi-

tation, and being much cut off from their fellow mortals, it may lead to a greater dependence on God, and to having their hearts more devoted to Him.

4. "The privacy of the confinement may prevent that loss of character, in the estimation of the world, which is the general consequence of imprisonment, as now inflicted.

"The following reasons may, on the other hand, be strongly adduced against the system being generally adopted:—

"In the first place, the extreme liability to its abuse, and to its being rendered an unduly severe punishment, *or the reverse*, according to the will or caprice, partiality, dislike or neglect, of the persons who have the management of prisons.

2 "The very great difficulty of obtaining a sufficiency, of either men or women officers, of that high and upright principle, as by their impartiality and firmness, with proper kindness and due attention to the welfare of the prisoners, would be fit persons to be entrusted with so weighty a charge. This opinion is strongly corroborated by that of the experienced Governor of the Great Central prison of Beaulieu, also by the Governor of the House of Correction, at Cold-Bath Fields, in London.

3 "Prisoners so confined, are rendered almost irresistibly subject to the *moral contamination of officers*, which is the case only in a very limited degree, when allowed to associate daily with their fellow-prisoners.

4. "Although, when the moral good of the community is concerned, expense ought to be a very secondary consideration, yet it ought not to be overlooked. The expense of providing proper cells, and a sufficient number of properly qualified officers, for so large a number of prisoners, would be enormous; and the difficulty of so building as to prevent the communication of sound very great, and its attainment uncertain, besides the liability of the prisoners not being able to make themselves heard, in case of necessity, arising from sudden illness or accident.

5. "Although, for short periods, neither the powers of the mind nor body might suffer essentially, yet after a long and solitary confinement, there is *unquestionable danger for both*. Too much silence is contrary to nature, and physically injurious both to the stomach and lungs: and as regards the faculties, we are credibly informed of the fact, (in addition to what we have known at home) that amongst the monks of La Trappe, few attained to the age of sixty years without having suffered an absolute decay of their mental powers, and fallen into premature childishness.

6. "That whilst, on the one hand, it affords to the penitent an opportunity for salutary reflection, there is reason on the other hand to fear, that a large proportion of those who are confined in jails, are so deeply depraved, that when left to themselves they would be *more likely* to consume their hours in ruminating over past crimes and exploits, and in devising and planning schemes for the commission of new ones; the heart becomes more hardened, the character and temper more sullen and morose, and better prepared for fresh crimes upon their dismissal from prison.

7. "The *seventh* and most weighty objection of all, is this, that as the vast majority of those who enter a prison, are likely to be returned into the bosom of society, it is a most important and paramount consideration, that as man is a social being, and not designed for a life of seclusion, such a system of prison discipline be adopted, as may best prepare those under its correction for re-entering active life, and all its consequent exposures and temptations. 'This can never be effected in solitude or separation: it can only be achieved by such regulations, brought to bear upon every-day prison life, as may most easily, and with the best chance of success, be afterwards carried out and realized in daily practice, upon their restoration to liberty. Of course this view embraces all useful labour, and excludes such as (like the treadwheel) can in no way facilitate the future means of an honest livelihood.\*

\* Life of Mrs. Fry, Vol. ii. 308.



Could we erase only two or three assertions from the foregoing extracts, who would entertain a doubt but that the writer must be a sincere and strenuous advocate for a system of separate confinement? These, however, forbid the belief, and oblige us, reluctantly, to look upon Mrs. Fry as opposed to that imprisonment, for the application of which to all classes it is our duty to contend.

Let us observe in the outset that we have here the writing of one, who, even beyond others of her sex, was most *distinguished* for tenderness and affection, though by no means *deficient* in talent. Hence, when imprisonment and punishments were the subject of her remarks, we account for much which might otherwise surprise. We see at once why her feelings were adverse to a system for which her arguments were in favour. How it happened that she urged objections against separate confinement, the weight of which was more than counterbalanced by the admissions which were at the same time made. Her tears of compassion obscured the perception of truth. A wavering judgment and conflicting statements were the consequence. And having read the preceding pages we cease to wonder that when the isolation of criminals was the subject of discussion at the late Congrès Pénitentiaire, at Brussels, both its advocates and an opponent, with equal confidence, asserted that Mrs. Fry entirely agreed with their respective and contrary opinions.

Having premised thus much, it might seem proper



to consider the arguments and objections which have been quoted somewhat in detail. We should then indeed further see that whilst the former are forcible, the latter are futile. But as respects the advantages referred to, they, with many others, have, I trust, been proved and exemplified in former chapters of this work. The objections alone require consideration, and must be refuted.

1. The first reason then alleged against the Separate System is its "liability to abuse." And what is there of all the good under Heaven which man may not abuse—

Little knows

"Any, but God alone, to value right  
The good before him, but perverts best things  
To worst abuse, or to their meanest use."

Let us conceive the same objection applied to authority in general. The power to punish is good in itself, for God has given it; but how terrible that power in the hands of a tyrant; yet where is the man to whom it is entrusted that is not *liable* to become one, and so prone to *abuse* that trust. And shall we therefore resist the ordinance of God? God forbid! And with like sincerity would I deprecate in the same words all opposition to the most corrective, and therefore the best means of punishment which lawful authority, directed, I feel sure, by the wisdom and goodness of Him who gave it, ever appointed. Let us assent then to the assertion. Let us concede that separate imprisonment is "ex-

tremely liable to abuse," must it therefore be abandoned? Must all those blessings for time and for eternity, which are admitted to attend and result from it, be lost, because the means of communicating them may be abused? I trust not. If abuses were certain, the blessings described would more than counterbalance. Justice and Mercy might both rejoice to hold the scales in such a cause, for Wisdom would still decide in favour of a system so satisfactory to both.

But may not *abuses* be prevented? Is there anything *peculiar* in this respect to *this imprisonment*? Is the natural tendency of man as concerns this one point incapable of restraint? Is there no power which can preserve the excellence and counteract the evil? I return to the former comparison and enquire—why is not every prince a despot? The answer is plain: because there is a power by which the propensity is controlled. And if there be a like proneness to abuse this corrective punishment, let the same reply silence the objection. There is a power which checks the inclination. The law prohibits the abuse, and thus the liability so much complained of is restrained. The precise manner in which the punishment should be applied—the duration of the imprisonment—the dimension of the cells in which it is inflicted—the duties of all concerned in its administration—with all other circumstances, have been the subject of legislation, and are distinctly prescribed. It is therefore a mistake

to say that anything of importance depends upon the will, caprice, partiality, &c., of those who have the management of the prisoners. Against any such evil the law has carefully provided, and every officer engaged in the service and superintendence of the cellular prison, from the lowest turnkey to the Secretary of State, must become lawless and rebellious before the system can be abused, or the severity of the punishment can exceed the sentence pronounced.

Though precautions have been taken which effectually prevent any cruel aggravation of punishment under the Separate System, the same cannot be said concerning other plans of imprisonment. With reference to them, how painfully true are the observations of the Prelate, from whose powerful sermon on the subject of Prison Discipline we have before quoted :—“ The restraints and penalties of the law, may be devised with sagacity, and in theory judiciously apportioned to the offences which they are intended to coerce ; and yet since the details of their application must of necessity be submitted to persons sometimes of a less enlarged wisdom, sometimes of a less comprehensive charity than those who enacted them ; it may happen, if provision be not carefully made to guard against the chances of these defects, that the wise and benevolent intentions of the Legislature may be defeated ; the *season of correction* may be made the *opportunity of corruption*, and the prison, instead of a school of discipline and

reform, may become the lazar-house of a moral pestilence, in which those who are dying of the plague, and those who are only suspected of infection, are crowded together in one promiscuous mass of disease and death. *In this case it is clear that the offender is treated with injustice and cruelty.* The punishment which was justly decreed against him is aggravated by unauthorised circumstances of horror; circumstances which inflict an undesigned but irreparable injury upon his soul, without adding in any degree to the awfulness and exemplarity of his punishment.”\*

We must further remark that Mrs. Fry betrays much want of acquaintance with the subject. Hence the confusion of the Solitary with the Separate System. We are told she “shrank from the abuses to which the *solitary* system is liable”—Vol. ii., 287. The difference of the system has been already explained, and we must deprecate considering any one as an authority on the subject of Prison Discipline, who could thus confuse them. The distinction was perceived by Mrs. Fry’s brother and companion in philanthropy, and his more accurate perception of the benefits of the Separate System caused him, as we have shewn, to write decidedly in its favour.†

2. The second objection is at the present time

\* Bishop Bloomfield’s Sermon—The Christian’s Duty towards Criminals.

† See quotation from “Thoughts on Habit and Discipline,” by J. J. Gurney. Vol. i. 159.



happily without foundation. The suspicion and distrust of the various officers in prisons, so frequently shewn in the writings of Mrs. Fry, however painful to observe, is what might have been expected. At the commencement of her charitable visits to gaols, a spirit of indifference and neglect prevailed amongst magistrates and the superior officers, whilst the turnkeys were a miserably degraded set of men,—savage in their manners, depraved in morals, and often, I believe, as vicious as the worst of culprits. It was from converse with such Mrs. Fry formed her first estimate of prison authorities and servants, and though her lasting benevolence subsequently brought her into communication with some, with whom she could sympathize as a Christian, and whom as a philanthropist she could praise, yet her first impressions seem never to have been effaced; and some want of confidence, we repeat, is evinced in almost every reference to the character and conduct of those entrusted either with the safe custody or with the spiritual charge of criminals.

It is worthy of notice that Mrs. Fry describes her opinion on this point, as strongly corroborated by referring to the governor of a remote French prison, and to a governor of a gaol in England, who has been distinguished for hostility to the Separate System.

3. The observations which have been made on the second objection most of them apply with increased force to this. But surely if ever a mis-called argument furnished its own refutation this most evidently



does so. Will any one assent to the most unjust insinuation that prison officers, even so recently as 1839, the date of these remarks, were more vicious and depraved than the criminals they had in custody, and that consequently there is more dread of demoralization from the keepers in a cellular prison, than there could be from the association of prisoners. Regard for the memory of Mrs. Fry makes one wish that such an opinion had been suppressed. Should it however lead to enquiry as to who are the persons, to whose care prisoners under the Separate System are entrusted, instead of detracting, it may tend to ensure to them that respect to which they are entitled. Men of education, of the highest character, and of some standing in society, are chosen to superintend as Governors. (I say nothing of the Chaplain, although commonly selected out of a large number of candidates); but the subordinate officers are men of integrity, and whose moral conduct has qualified them for their responsible places. And here I may mention, as one of the indirect benefits of the Separate System, that men thus trustworthy are not, as under other systems, familiarized with scenes of vice. Their hatred of evil is not thus diminished, and the danger of consenting to it is not incurred. Their good principles are preserved, and their minds and morals are improved. And more than this, the system exercises a corrective effect even on the officers whose manners and morals were almost necessarily deteriorated, whilst they constantly

witnessed the deceit and iniquitous doings which prevailed in the prison wards and workshops, where they were continually irritated, and evil passions were every hour excited.\*

4. The fourth objection is founded in the first place upon the expense. This is a point which has been sufficiently treated elsewhere. The *difficulty* spoken of has been entirely overcome, and the *danger* prevented. No uncertainty on these points, or accidental circumstances, have as yet warranted the apprehensions expressed.

\* A sense of duty obliges me to state, though with some reluctance, what has been my own experience as Chaplain, entrusted, not merely with the spiritual superintendence of the criminals, but with a large body of prison officers. I may mention that it is my practice to administer the Holy Communion every month to those amongst our prisoners, as well as to those engaged in the service of the gaol, whom I believe to be "meet partakers of that Holy Sacrament." Whilst prisoners were associated, I never, at Reading or elsewhere, knew a turnkey who was a communicant, or whom (before a great change had taken place) I could wish and invite to be one. But with our change of system, happy indeed is the change in this respect; now, *more than two thirds*, oft as the Sacrament is administered, come to the "Holy Table," and shew by their life and conversation the sincerity of the feelings and faith they profess. Whilst I very greatly rejoice in this truly heart-cheering result, which (humanly speaking) I ascribe to the plans pursued under the Separate System, and the opportunities of attending the means of grace, which are frequent, and which are not rendered ineffectual by irritation and vicious intercourse.—I give God the praise!

5. "After a long and *too solitary confinement*," it is said, "there is unquestionable danger to both body and mind." An observation which has all the force of an axiom, but which is utterly irrelevant to the Separate System as prescribed by law and pursued in England. This system forms really a contrast to that *solitary* imprisonment which has been described as practised for some months in America; but proving an entire failure was speedily abandoned. That was indeed a cruel experiment, because the results of such a plan might have been foreseen. They were however so frightful as to afford security against similar treatment in any civilized land.

And further, as Separate Imprisonment differs from *Solitary*, so it is opposed to the *Silent* System. The prisoner in his cell may, without being noisy, exercise his lungs, and does read aloud.\* The reference to the Monks of La Trappe is altogether inapposite. As our prisoners' guilt is not to be expiated by any such like gloom, so neither constant melancholy, nor madness, are produced by his punishment. I have shewn various ways by which

\* This healthful practice is common amongst the illiterate and lower classes in general, and, I think, should always be allowed in cellular prisons, not only as healthful, but I believe the previous habit has rendered it many cases necessary to the prisoners comfort and comprehension. When visiting our prison in the evening, at which time other occupations have ceased, and more than nine out of ten are reading their Bibles or other books, the sound throughout the building may best be compared to the evening hum of a full hive of bees.

the silence of his seclusion is broken, and there are other means by which the dangers apprehended are averted, and the required indulgence granted—means, indeed, of which our lamented friend but little approved, and could not appreciate. Our prisoners daily attend Divine Service. And the worship of the Church of England consists not of dumb acts of devotion, nor in the cheerless monotony of a single voice : on the contrary, it prescribes the audible response, it mingles prayer with praise, and appoints its “Psalms and Hymns and Spiritual Songs ;” and in all these services our prisoners join, certainly in a manner that is exemplary, with much outward, and I doubt not, in many cases, heartfelt earnestness. Here then, in the services of the Sanctuary, we have a sufficient and effectual preventive to the evils *anticipated*, but never likely to be *experienced*.

6. The opinions here expressed afford the strongest possible arguments in favour of the Separate System. We agree that the hearts of many are “deeply depraved,” indeed we assent to a higher authority, and look upon them as “desperately wicked,” if left to themselves. But the great advantage of the Separate System is, that the prisoner is not left to himself. It is a point on which I have especially insisted.\* He is indeed bereft of the companionship of fellow criminals from whom he could learn nothing good. All converse with such was depraving, and

\* Vol. i. 330, et seq.



the longer the intercourse the more the heart became hardened, until at last the lessons of sin had rendered it incapable of learning ought beside. I have seen such cases. Men whose insensibility has been shocking; who have acknowledged their miserable condition without being able to deplore it. Who would have welcomed grief, but who have told me they only felt they could not feel. Yes, I have known men in this state who have been before associated in prison, and who have ascribed their awful condition to this cause; and it is then indeed, when the heart by vicious intercourse has become thus callous, and access to it is rendered impracticable, that the prisoner is, in a manner the most painful and the most perilous, left to himself. Having brought himself into such a state, or to speak more correctly, having had such a condition well nigh forced upon him by the compulsory intercourse with villains worse than himself, what wonder if such a one, filled with his own and others' wicked devices, and reflecting upon, but not feeling his guilt, should go forth only to perpetrate fresh crimes, and to fill up the measure of his iniquity! Yet let not the continuance in crime of any such be charged upon the Separate System, but rather, I repeat, upon that hardening process of vicious converse, which had previously rendered the heart impenetrable, and the character incorrigible. As I have before observed, I have never known a single prisoner subjected to the corrective influences of separate confinement,



whose state of mind has been such as described, and who when liberated has relapsed into former criminal practices, unless that prisoner had been previously depraved by prison fellowship under another system.

7. The arguments which have been urged in favour of the Separate System, as reformatory, so fully disprove what is here asserted, that we might be satisfied with a mere contradiction to the statements. But we must observe that the very foundation upon which the fitness of the character for a state of liberty must rest, appears to be entirely overlooked. The prisoner may be trained to industry whilst under restraint. He may be exposed to temptation, and whilst in prison he may withstand its power, or, which is more probable, transgress when tempted, but become too cunning to be often detected. But if there has been no inward change effected, the apparent correction will not be permanent. Separate imprisonment, according to Mrs. Fry's own admission, and what we ourselves have witnessed, best affords opportunity for applying those means, whereby, with God's blessing, vice is eradicated and good principles implanted and fostered. Indeed, nothing short of this can qualify the culprit for that moral, social, and religious intercourse with others which shall be alike profitable to them and to himself.\*

\* I would by no means depreciate the good effected by Mrs. Fry. God in many cases proved the power of his own word, and gave effect to her labours of love ; but with all the order

But few as were the arguments given in this letter in favour of the Separate System, and though more numerous, yet more feeble the objections alleged against it, we find in other pages of Mrs. Fry's biography, that when seemingly constrained to advocate the system which she elsewhere deprecated, she reasons with a force which may well be contrasted with the weakness of her objections. We find it difficult to reconcile some statements, and we feel obliged to conclude that Mrs. Fry's opposition to separate confinement was by no means so great as her biographers (unintentionally I am sure) have represented. I quote her own words, which justify this opinion. In her conference with the Magistrates of Edinburgh, she stated that—"Confinement which secluded from the vicious, but allowed of frequent intercourse with sober and well conducted persons, would have been in her view *perfect*." Vol. II. 286. And again, when visiting the prison of La Roquette,

and outward decency, and apparent improvement in the conduct of the prisoners she so much cared for, I fear the number in whom a real change, and lasting correction was produced, was very limited. Why? Not from want of zeal on her part, but because it was exerted under circumstances most adverse; such as encouraged dissimulation and wickedness in every form, and prevented *durable* amendment. Let me not be thought uncharitable or censorious, since that best of men—Wilberforce—was of the same opinion. In his journal he one day recorded—"Mrs. Fry called early about a poor woman under sentence of death for forgery—*of the set that so improved in externals*."—*Life of Wilberforce*, vol. iv. 370.

or the prison for "Les Jeunes Detenus," where, as she observes—"They have no other punishment than solitary (i. e. separate) confinement. The boys under *correction paternelle* were in *cells*, where their education was vigorously carried forward. It was to Mrs. Fry's feelings highly interesting and satisfactory." Vol. II. 305.

The remainder of the letter to M. de Beranger contains so many remarks of value, and which tend so much to confirm the observations which have been written concerning Mrs. Fry's objections to the Separate System, that I am unwilling to curtail it. They fully justify an observation in a letter I have just received from an excellent magistrate well acquainted with our system. "My belief is that if Mrs. Fry had lived to walk into Reading Gaol she would have fallen on her knees and thanked God for what His hand had done."

"Having thus briefly stated the reasons for and against the separate confinement of prisoners in the day-time, and the result of which is the conclusion that it is inexpedient to bring it into general practice, I will endeavour to represent Mrs. Fry's opinion as to the best line of conduct to be adopted towards untried prisoners, not only with a view to prevent the commission of such offences as would subject them to punishment, but fundamentally to improve their principles, and regulate their whole future conduct and life, which is the one grand point to keep in view.

"In the first place, from the instant that any individual is placed under restraint, charged with the commission of an offence against the law, the grand preliminary object ought to be, to preserve, by every possible means, the morals of the

person thus detained from being *deteriorated* by the process ; and that at all events the *law itself* should not become the instrument of the most cruel and fatal of all injustices—that of demoralising, by every species of exposure and contamination, the wretched being whom it sooner or later may have to consign, as the consequence of its own action, to infamy and punishment. A man—a youth, perhaps—is charged with a crime. He may be innocent : he may be a trembling beginner. His education, his previous habits, may have been good. He knows little of crime, and has few or no associates in it. He is now turned loose into a den, amongst the most hardened criminals, and in one short month, all remaining scruples, all remaining tenderness of conscience are gone, too probably for ever. But it is not only one short month ; but in France, and in most English counties, it is many months' opportunity which is thus afforded to the profligate villain to harden, to season, and to embue the mind of his unpractised victim, for re-entering society depraved, debased, and ripe for the commission of crime at which he would have shuddered when the act of the law, by placing them in public detention, first exposed him to irretrievable degradation and ruin.

“ But let us suppose the case of those, wholly innocent of the crimes laid to their charge, the victims of false accusation, malice, or mistake. Suppose them, by the aid of religious and moral principle, to have withstood all the baneful influences to which a cruel and unjust law has exposed them ; and to go out of prison justly acquitted, and worthy to be replaced in the esteem and confidence of their fellow-citizens. What follows ? Why, they go forth blighted and blasted ; their involuntary association, with the companions the law has chosen for them, has for ever destroyed their characters ; they are shunned, and become the objects of most reasonable suspicion ; they have no means, no hope left, of gaining an honest living ; the law has effectually prevented that ; they are driven to dishonest, dishonourable, or violent means of



obtaining a morsel of bread ; they are again arrested, and the same law that made them what they are, pours forth its heaviest judgments on the victims of its own injurious policy.

“ Heartily, therefore, should every friend to humanity hail the day, when arrangements are made for the separate confinement of all untried prisoners, with liberty daily to see some of their own friends, to consult their legal advisers, to improve their own accommodation in their bedding or their diet, to be visited by such benevolent persons as may seek to promote their present and everlasting welfare ; and, joined to this, every practicable arrangement made by the Government of their country, for the shortest possible period, elapsing previous to their trial, both for the good of the prisoners and its advantage to the country, by lessening essentially the prison-room required, and the many expenses attached to the confinement of prisoners.

“ If found guilty on their trial, and if their first offence, Mrs. Fry's views are simple, and are given in her own words :—

“ I believe nothing so likely to conduce to the real improvement of principle and conduct in delinquents, and to render them fit for a return to society, as a limited number of them being regularly instructed, and working together in small companies—say, from ten to twenty, under faithful, constant, and strict inspection by day, and at night always sleeping in separate cells. The mode of instruction and its subjects should be very simple, and, if possible, be rendered agreeable to them. The Scripture-reading (and reading of the Scriptures ought never to be omitted) should be short and well-selected, adapted to their generally dark and very ignorant state, and calculated to give them a taste for something superior to their former low and depraved habits. Books of a moral and religious tendency, that amuse whilst they instruct, are also very desirable, and especially so in the cases of separate confinement. I consider religious instruc-



tion, given in a kind and judicious spirit, the most powerful and efficacious means of deterring from crime, and inducing good conduct, resulting from improved principles. Some advantage may occasionally arise from this instruction being given privately; but it is more generally likely to be well received in companies, because very close and cogent advice may be thus given without danger of hurting individual feelings, as they receive the advice without supposing it to be directed immediately to themselves.\* I consider, also, that employment in companies is more likely to be well and industriously performed, as there is a stimulus in trying who can do the best, and who can do the most, in the shortest period of time.

“ If, after the plan of being associated in small companies has been tried on any prisoner, he returns to undergo the penalty of a second condemnation, a more rigorous system had better be adopted. I think they should then be confined separately, having instruction and employment, and a certain number of visits daily, from the officers of the prison, or persons allowed or appointed for this special purpose; thus preventing the (now) old offender from associating with the novice in guilt, and suitably proportioning the punishment to the offence.”†

\* The fallacy of this and the following reasoning has been sufficiently shewn by argument and evidence in the former volume.

† Life of Mrs. Fry, Vol. ii. 308, et. seq.

## CHAPTER IV.

EFFECTS OF THE SEPARATE SYSTEM PURSUED AT READING,  
DESCRIBED IN REPORT, MICH., 1848, WITH ADDITIONAL  
OBSERVATIONS.

The description of the Separate System in the former volume, in which I have endeavoured to shew the means employed for reformation, the various agencies which are called into exercise, and the moral training to which the criminal is subjected, I hope may have so far excited the interest of the reader as to produce some desire for further information concerning the *results* of the system since its adoption in the county prison at Reading. I believe that I cannot better shew the continuous effects of the plan pursued, than by republishing the reports which I have successively presented to the magistracy of the county. These, which are official documents, I have not felt at liberty to alter in any respect. I propose likewise to insert some extracts from the reports of the Visiting Justices, whose constant and careful superintendence of the working of the system has qualified them to judge of its value, and entitles their decisions to more than usual authority.

The County Gaol, Reading,  
Michaelmas, 1845.

MY LORDS AND GENTLEMEN,

It is my duty at the present Sessions to place before you a Report of what has been the mental and moral condition of the inmates of your County Gaol, during the period (now about fifteen months) that the present system of discipline has been in operation; and having carefully watched the effects of this discipline, I beg to offer some observations which, I trust, may not be considered unimportant. In the discharge of this duty, I will be as concise as the circumstances will allow; and, that I may occupy but a small portion of your valuable time, I propose to confine myself to general statements in the Report itself, referring to an Appendix which will contain details, and such particulars as may establish the accuracy of the remarks I feel called upon to offer.

With respect to the education received by criminals previously to their committal, I am sorry that I cannot present a Report more favourable than in past years. The ignorance of a very large proportion is distressing to witness, and any statement of the extent of such ignorance will appear scarcely credible to those who have not acquired some information by personal converse with our criminal population. Of 833 received into this County Gaol, not less than 352 have been ignorant of the alphabet

or unable to read the most simple words. But far more to be deplored is the want of information as respects the truths of our holy religion, so commonly the case that it may at once account for the prevalence of crime. It was found that 278 of our prisoners were in a state of heathen ignorance when committed; 484 others understood but very imperfectly the first truths of the Holy Scriptures; whilst a very small proportion had received what could be described as a religious education. In ascertaining these facts, it has been painful to discover how very defective had been the instruction given to those who had *learnt to read and write*. Of this comparatively small number no less than 109 were unable to repeat the Lord's prayer, and were ignorant of the most simple facts of religion. Had proper education been afforded to these culprits—if, with the elements of secular instruction, religious principles had been instilled into their minds, then, without doubt, in many cases, the character would have been different, and crimes had been prevented, and how much to be preferred were such education in the school to the very best system of correction in the prison! I feel it my duty to make this remark, since by referring to Tables No. 2 and 3 in the Appendix it will be seen how very large a proportion of offenders under 15 years of age have been committed to prison in a state of the most gross ignorance—a fact which shews the necessity even in the present day for increased means

of education. I trust, however, that it may prove a present and everlasting blessing to many of these criminals that you have provided in the prison instruction which had not been previously within their reach. Your schoolmaster has been diligently and successfully employed, and comparatively few of those confined for the space of six weeks or two months, who when committed were unable to read, have left the prison without having learnt to do so with tolerable accuracy. Many have also learnt to write, some have been taught the first rules of arithmetic, and their memory, with the mental faculties in general, have been strengthened by such lessons as appeared suitable to their condition. And whilst this knowledge has been communicated it has been my constant endeavour to give such advice and instruction as might prevent its abuse, and, so far as human agency can avail, ensure a beneficial result. To this end it has been my anxious desire that the very letter of Holy Scripture should be deeply impressed on the minds of prisoners; and I have been surprised, as well as pleased, at the readiness and accuracy with which considerable portions have been committed to memory. Several at this time can repeat the four gospels, and some will, ere long, have learnt the whole of the New Testament by heart—not by any means as a task performed with reluctance, and from which there is any wish to escape, but rather as an interesting occupation of time, and, I confidently believe, in many cases with a sincere



desire to obtain that "correction and instruction in righteousness," which, with the blessing of Almighty God, must accompany the knowledge of His word. Whilst I have been anxious that the memory should be thus stored with Holy Scripture, I have endeavoured to prevent that wretched spirit of indifference and want of personal application of its sacred truths, with which it is too commonly read and studied, by requiring written answers to particular questions, such, for example, as "Why should I obey one or another commandment?" &c., desiring that the replies given by the prisoners may be proved correct by reference to portions of Scripture, which the prisoner shall be able to repeat. Many of these exercises have been so remarkable as to excite the astonishment of several to whose inspection they have been submitted.—(See Appendix.)

Previously to the adoption of present discipline much apprehension existed that the mental faculties would be endangered by such seclusion, and that insanity would be a frequent result. I do not express an opinion as to the probable consequence of solitude long continued, in which neither suitable advice nor instruction were afforded; but I speak from experience when I assert, that under the humane system of discipline now adopted in your County Gaol, so far from the intellectual powers becoming enfeebled, or mental aberration being in any measure induced, the faculties have been improved and strengthened, and in no single instance

has derangement been produced. Without doubt the remorse and mental distress of prisoners when first committed—the entire separation from family and friends and vicious companions—is, in many cases a punishment so severe, that without constant vigilance and suitable advice from those whose duty it is to superintend the discipline of your gaol, the effect might be most injurious, and there have been cases in which I have felt it my duty to recommend some relaxation of ordinary discipline; these, however, have been very few; and although twenty-seven prisoners have been in custody, one or more of whose family have been deranged, or in some cases they themselves confined in lunatic asylums, yet, so far from the treatment to which they have been subjected whilst in custody proving at all injurious, the mental faculties have not only been preserved, but in most cases surprisingly improved.\*

As respects the moral character of the offenders subjected to punishment in this prison, although the nature of the particular crimes for which they were committed (which have not certainly been less heinous than in years preceding) might declare the perpetrators to be most unpromising, yet, the amazingly increased number of those criminals who had been in custody before, either in the old Gaol at

\* I should state that one inmate of the Gaol has been insane,—a man who had been previously in confinement as a lunatic, and was evidently deranged when committed. At his trial this prisoner was on that account acquitted.

Reading, or elsewhere, amounting to not less than 471, must prove still more plainly that the majority were of a most vicious, depraved, and apparently incorrigible class. The fact too that not less than 121 were the offspring of criminals—either one or both of their parents having been in prison—who therefore had been educated in vice, and constantly under the influence of bad examples must confirm the truth of this statement. Of this last unhappy class, I think it important to observe that a large proportion were under 15 years of age. Most sincerely do I hope that the day is not far distant when the Government of our land may be sufficiently paternal to provide some asylum into which such juvenile offenders may be received; thereby preventing the necessity of their return to those parents, who, by their own crimes, have surely forfeited the right to parental control. An establishment for this object has been formed, and attended with much success at Mettray, near Tours, the two last reports of which I submit to your inspection.\*

\* The following is an extract:—“ On a compris que l'emprisonnement, dont, avant tout, le caractère est d'être pénal et de prévenir le crime par l'intimidation, doit, en même temps, autant que cela est possible, amender le coupable, et, dans tous les cas, ne pas le pervertir. Telle est la pensée qui préside aux projets de réforme que nous avons soumis aux chambres; quand nous proposons de séparer les criminels entre eux, c'est pour rendre la peine à la fois et plus efficace et plus morale, plus redoutée du criminel et plus contraire à la propagation du crime. Mais, parmi toutes les classes de

détenus, celle à laquelle vous avez consacré Mettray appelait, avant tout, la réforme. Ces enfants, dont la plupart, selon les arrêts de la justice, ont agi sans discernement; *que les torts de leur famille ou le malheur de leur naissance* ont livrés à une perversité précoce, la société doit les corriger plutôt que les punir. Ici, elle ne cherche pas à effrayer le crime, elle se propose de contenir et d'étouffer le vice. Pour atteindre ce but, elle n'emploie pas la détention comme châtiment, mais comme moyen d'amendement et de correction."

Respecting the success of this establishment I find the following statement in a work recently published—"Benevolence in Punishment." Seeleys, London. "The reformation effected in the colony among children thoroughly depraved is remarkable: all education has been directed to the formation of their morals; agriculture has been taught, not for its own sake merely, but as being favourable to the inculcation of virtuous habits. Religious instruction and the elements of learning have been communicated to them; and the children on leaving the colony, have, with only *four* exceptions, turned out well: they have been placed with masters, according to the respective trades they have learned; and it is a remarkable fact, that Mettray youths are sought out, as being more desirable than others. This valuable institution is supported by voluntary contributions, and the King himself is its acknowledged head. The children thus rescued from infamy would otherwise be confined to the ruinous operation of prisons, where they would have been made adepts in crime, and from which they would have emerged, only to plunge with greater eagerness into vice, to become the pests of society, and to reap the bitter fruits of a life spent in wickedness."

In a letter I received about a month since from a clergyman residing at Tours, he states, "Of 138 children who have left the colony of Mettray, they continue to receive gratifying accounts of no less than 128."

It is early yet to speak of the result of present



discipline as regards re-committals, but since the large majority of those sent the second time to our Gaol were but a *very short time* in confinement before, it is my duty to state what I observe to be the effect of the present system on those criminals who, either from the nature of their offence, or through the clemency of magistrates, are sentenced to a very short term of imprisonment. Of course the conduct of these offenders differs with the variety of disposition and previous habits. The long-practised and hardened criminal submits with a dogged resolution to a punishment which, however irksome, he remembers will be short; and during this time he steels himself against that advice and persuasion which he foresees, if regarded, would prevent the enjoyment of those vicious pleasures to which he anticipates a speedy return. On the other hand, the less obdurate offender, in the seclusion of his cell, is overwhelmed with remorse—suddenly separated from his family and evil associates, deprived at once of those stimulating liquids with which he has been accustomed to indulge, and no longer supported by the excitement of a lawless life,—the spirit of such a prisoner is for days, and sometimes weeks, so oppressed and dejected, that it is almost impossible to arouse him to wholesome reflection, or to convey that instruction without which, I feel sure, no punishment will reclaim the vicious, or prevent the repetition of crime. I have appended to this Report a particular description of each culprit who has been



twice in this Gaol, and a reference to Tables No. 8 and 9 will shew that nearly all were habitual offenders, who had been frequently in other prisons, and in few instances did the previous term of confinement *here* exceed one month, whilst in very many cases it was less than a fortnight. These prisoners, then, endured the severity of punishment—but punishment alone never has, and I may say without presumption, never will effect permanent reformation,\*—instruction based on the principles of our holy religion must accompany it, or who will venture to hope that it shall be corrective?† This instruction, during such short imprisonment, cannot be imparted; and the return of these criminals, without shewing any defect in your system of prison discipline, to the *corrective* influence of which they have really never been subjected, may tend to confirm the truth and wisdom of a sentence inscribed on the doorway of a prison‡ at Rome: “*Parum est*

\* “The example of severe suffering has never been found effective in repressing offences; on the contrary, it has passed into a proverb that ‘crime thrives on severe penalties.’” —*Capt. Maconochie on the Management of Transported Criminals.*

† “It is education, and that only, wherein the whole positive efficiency lies for a permanent amelioration in the state of the lower orders. Education is the specific; and the other expedients are at best but the circumstances for a more fit and powerful ministration of it.”—*Chalmers on Political Economy.*

‡ San Michele.

*improbos coercere pænâ, nisi probos efficias disciplinâ ?”*

With respect, then, to short terms of imprisonment under our present system, may I be allowed to remark, that although the prisoner cannot, as in times past, either corrupt others or become more vile himself through vicious intercourse—although he is not subjected to that useless labour which aroused the worst animal passions and rendered the character less capable of correction ; yet I believe such punishments rarely effect the purpose intended,—they excite remorse, but the time is too short for repentance to succeed—good resolutions may be formed, but they are not confirmed before the prisoner is liberated, with his character lost : he is assailed with temptations more powerful and more numerous than before,—and it surely must rather be expected than cause surprise if, without having learnt to resist, he is again overcome,—an increased measure of punishment is then inflicted, from which it is more than probable he would have been preserved, could a period of imprisonment sufficient for his correction have been before adjudged.\*

\* The correctness of the opinion I have expressed is confirmed by the following remarks of the Inspectors of Prisons. “ The association of the untried, the *continued labour* of the convicted under the silent system, and the *short terms* for which prisoners are committed, are all circumstances *unfavourable* to the operation of *instruction*. It could not be expected that even if the Chaplain were to devote his whole time to the prison, or if there were several Chaplains, any

I proceed to the more pleasing task of describing the effect produced on criminals sentenced to a more lengthened term of imprisonment. Rarely in these cases is there any attempt to brave out the punishment inflicted by any shew of indifference, much less of insubordination. The most hardened are in a short time subdued, and for a season, as I have observed, almost overwhelmed with sorrow. During this period I feel it my duty to endeavour to awaken a sense of guilt, and to excite that true penitence which I am ever anxious should take the place of the feeling of remorse, which the mere punishment itself produces. As the bitterness of grief subsides the mental energies are aroused; reflection on past sin and folly is cherished, resolutions of amendment are encouraged, and it becomes my pleasing duty to direct the criminal in the use of those means which, with the Divine blessing, shall strengthen him for their performance. I may with confidence state that the moral condition of our prisoners is in general promising. The feelings

such result as personal reformation could ordinarily take place. *The physical irritation of the treadmill is peculiarly unfavourable to that frame of mind best suited to receive religious impressions; nor does the silent system † allow time enough for receiving instruction of any kind.*" 2nd Report, p. 103.

[† The silent system is that under which prisoners are associated, hard labour is enforced, and an attempt is made (I may assert never successfully) to prevent intercourse and contamination.]

expressed, and the conduct observed, are such as become their situation. There is none of that effrontery and contemptuous indifference, which characterised the criminals when associated; nor do I see anything of that sullen disposition which prevailed amongst them, whilst the mere corporal punishment of tread-wheel labour was enforced.\*

\* I have heard an objection frequently urged against our present system—that it does not provide that hard labour which the legal sentences against many offenders require. Reference has been made to this fact, in the Report presented by the Visiting Justices at the late sessions:—"It becomes the duty of the Visiting Justices to notice the fact that, such of the prisoners as may be sentenced to hard labour, have, under this system, been exonerated from such infliction. A question thence arises, whether this system, however commendable it may be in practical effect, is really adapted to execute the sentence of a particular punishment which the law has prescribed for particular crimes. It certainly is not; nor, at present, have any means been provided in Reading Gaol to give effect to the sentence of hard labour."

The question having been thus proposed, it was with much pleasure and gratitude that I listened to the following testimony and recommendation:—"The short experience which has yet been obtained of the operation of the system in Reading Gaol, has yielded every encouragement for the hope and the belief that its contemplated benefits will be confirmed by its continued application; and the Visiting Justices are so persuaded of its incompatibility with hard labour, that they are not prepared to offer any suggestions for the supply of means by which to renew the introduction into Reading Gaol of that mode of punishment. On the contrary, if it be necessary, they would rather recommend that application be



Seldom now do I hear the culprit deny his guilt, or even attempt to exculpate himself by pleading circumstances which might seem to extenuate his crime. On the contrary: with the confession of

made to the Secretary of State, that measures be taken to obtain by law such a construction of the legal sentence of hard labour, as would provide due authority for its commutation by a compulsory moral discipline."

On this subject I beg further to remark, that although it may be true that the *letter* of the law is not fulfilled, yet surely if any punishment equally severe and more corrective be supplied, then the *spirit* of the law is sufficiently regarded, and the ends of justice better accomplished. "*Summa lex, summa injuria*" would indeed be verified if such a strict adherence to the letter should interfere with the reformation of offenders, and frustrate a chief object of punishment.

If the remorse which is the first effect of imprisonment under the separate system were the only penalty inflicted, it might still be declared sufficiently punitive. "The spirit of a man will sustain his infirmities," of which enforced labour may render him increasingly sensible; "but a wounded spirit who can bear." (Prov. xviii. 14.) The painful sensations to which the offender when separately confined is subjected, have been thus forcibly described—"The violator of the more sacred laws of justice can never reflect on the sentiments which mankind must entertain with regard to him, without feeling all the agonies of shame, and horror, and consternation. When his passion is gratified, and he begins coolly to reflect on his past conduct, he can enter into none of the motives which influenced it. They appear now as detestable to him as they did always to other people. He now regrets the unhappy effects of his own conduct, and feels at the same time that they have rendered him the proper object of the resent-



offences committed, there is evident shame felt, and the very frequent acknowledgment, that the punishment inflicted is by far less than was deserved. Most gratifying is the thankful spirit with which

ment and indignation of mankind, and of what is the natural consequence of resentment, vengeance and punishment.

\* \* \* \* \* *Solitude to him is still more dreadful than society.* His own thoughts can present him with nothing but what is black, unfortunate, and disastrous. the melancholy forebodings of incomprehensible misery and ruin. Such is the nature of that sentiment which is properly called remorse; *of all the sentiments which can enter the human breast the most dreadful.*"—*Smith's Moral Sentiments, Vol. i. 171—10th Edition.*

To the sufferer under such mental anguish the hardest labour would be relief; yet any recourse to it under the present discipline would be applying a remedy—not to the moral disease itself—but rather to the wound which has been wisely made for its removal. The additional medicine would counteract the cure; the malady would remain, and its malignancy would be increased. It would be difficult to prove that any advantages could be derived from compulsory labour beyond what may be required for the preservation of bodily health. If constantly imposed only in a moderate degree, it would but divert the mind from the important duties of self-examination, reflection, repentance, and all other exercises whereby the character is reformed; on the other hand, if excessive corporal exertion be enforced, it must either produce such weariness as to incapacitate for those duties, or create that sullenness and moroseness which is most repugnant to the feelings we desire and endeavour to excite.

Since the legal difficulty suggested may excite the attention of the legislature, I am induced on a question so important to

instruction is received, and the careful diligence with which advice is followed. The anxiety often expressed by prisoners, not only for their own im-

corroborate my statements by the following testimony. Lieutenant Hackett, the Governor of Reading Gaol, in 1839, said :—

“The labour of the treadmill punishes the bodily system, but as a punishment I think it unjust, unequal, and injurious in every sense ; it often produces great exhaustion of the physical powers, and in such cases, I have known of prisoners becoming irritable, surly, and reckless ; I believe it sometimes calls their worst feelings into exercise ; it is much more severely felt by some men than by others ; it affords much scope for deception. The prisoners here practise a variety of artifices for the purpose of deceiving the surgeon and obtaining admission to the infirmaries. I have known of a prisoner making wounds on his legs ; of another balking his tongue ; of another having reduced his system by abstaining from food. One of our prisoners once reduced himself to a most emaciated state of body by starvation, although he had saved, and was actually in possession of five loaves of bread at the same time. They also practise various modes of deception with the turnkeys. I therefore think the labour of the treadmill is highly unfavourable to reformation ; it hardens the offender ; it renders him more cunning and skilful in the arts of deception ; it prevents reflection ; and it produces consequences which counteract the efforts of the clergyman. *I have not known of a single instance of a prisoner becoming seriously or religiously disposed ; and the turnkeys, one of whom has been here ten, another sixteen, and another twenty-four years, all say they never knew of such an instance.* If a prisoner were so disposed, he could not possibly separate himself from the other prisoners so as to escape annoyance.”

To the above valuable evidence I subjoin part of a report read last week at the Court of Quarter Sessions, in Lanca-

provement, but for the correction of their families and former companions in crime, is another truly pleasing evidence of reformation. "What a blessing

shire, by the Chaplain of the Preston Gaol :—"The treadmill was first established in 1825, and certainly effected some little improvement on the previous system—as a means of deterring from future offence; but when views on prison discipline became more enlightened, and the reformation of a prisoner became an object of greater solicitude than his punishment, it was found that the treadmill was useless, or worse than useless. When the body was undergoing compulsory and painful exertion, the mind was irritated and harassed by the ever-present consciousness of punishment; and this irritation found vent in language it was scarcely possible to control. Nineteen years ago it was my duty to report that, though the wheel 'is a means of severe punishment, it would be improper in me to conceal that I am disappointed in the moral effect which I anticipated from its use.' 'The prisoners' conversation and manners being in a great degree beyond the control of the officers, the bad have no opportunity or inducement to amend; while the less abandoned feel no check in their approaches to the depravity of their companions;—calm thought and penitent feeling could have no place under such circumstances; and after a trial of twenty years the wheel was found wanting in every principle likely to contribute to a prisoner's reformation, especially when it came to be contrasted with the profound silence and order of the workroom or the 'encellulement' of the corridor. Having witnessed the introduction of the wheel, and so long deplored its inefficiency, I am truly grateful that I have been permitted to see its final abolition."

And from the Report of the Chaplain of the Lewes House of Correction, read at the same time as the former, I extract the following :—"Juvenile felony is rather on the increase;

it will be for my family that I was brought here ! ”  
 “ What a good thing it will be for my poor children  
 that I was stopped in my wickedness ; I wish

and a glance at the Table of Recommittals will shew how inoperative the present system is in the deterring of criminals and vagrant youth. The officers under whose eyes these young culprits work at the treadwheel and in the manufactory, constantly complain, and the complaint is confirmed by the same prisoners in after life, that the common effect of such imprisonment is to harden the young heart, and prepare the way for future visits to the prison.”

On this subject, so vital to the success of our system, I would suggest further, that since criminals are generally of that class who, if they obtain an honest livelihood, must do so by the sweat of their brow, the policy on this account, of inflicting hard labour as a punishment, may surely be doubted. Neither the love nor the habit of industry is likely to be promoted by any compulsory labour, performed with disgust, and from which the prisoner is ever longing to be released. The question is thus proposed by Paley.—“ As aversion to labour is the cause from which half the vices of low life deduce their origin and continuance, punishments ought to be contrived with a view to the conquering of this disposition. Two opposite expedients have been recommended for this purpose ; one solitary confinement with hard labour ; the other, solitary confinement with nothing to do. Both expedients seek the same end—to reconcile the idle to a life of industry. The former hopes to effect this by making labour habitual ; the latter by making idleness insupportable.”

\* \* \* When gaols are once provided for the separate confinement of prisoners, which both proposals require, the choice between them may soon be determined by experience.”

—*Moral and Political Philosophy.—Crimes and Punishments.*

Happily the requisite provision has here been made, and



for their sake I had been brought to such a place years ago!" These and similar expressions are frequent.\* Only two or three instances of gross misconduct within the prison have occurred, and

whilst under our present discipline employment enough is afforded to prevent the risk of habitual idleness being contracted, yet aversion to labour is not engendered by exacting its performance. The following remarks of Locke may give weight to the opinion I have expressed. Speaking of a duty that must be fulfilled, he says, "It should not be made a burden or imposed as a task. Whatever is so proposed presently becomes irksome: the mind takes an aversion to it, though before it were a thing of delight or indifferency. \* \* \* What men do cheerfully of themselves, do they not presently become sick of, and can no more endure so soon as they find it is expected of them as a duty."—*On Education, Sect. 73.*

An illustration of the above is afforded in the government of the Pentonville Prison, "Idleness is never, or rarely ever punished, but the withdrawal of work is a mode of punishment, and one which is severely felt."—*Third Report of the Commissioners.*

\* At the Quarter Sessions last week the Visiting Justices in their Report advised that an appeal to the Royal clemency should be made on behalf of three prisoners—two convicted of burglary and the third of embezzlement. The father of one had been several times in prison, and he therefore had been instructed and trained up in all kinds of vice; the second had been himself previously convicted; and the third had for some time indulged in drinking and other disgraceful propensities, whereby most dissolute habits had been contracted. Yet the conduct of these offenders for several months past had been so entirely satisfactory as to



the offences under the present discipline are not only *less flagrant*, but *comparatively few*.\*

Nor are proofs of the salutary effects of the system confined within the prison walls : no vicious inter-

induce the recommendation referred to. It was my duty this morning (Oct. 22) to give them the first intimation of what had been done in their favour, and to tell them that they were about to be liberated. To the first I said, "Your behaviour since you were brought to prison has been so proper that you are now to be rewarded by being released from longer imprisonment." The poor fellow looked astonished, but did not express that delight I anticipated, and little indeed could I expect that the first observation of any criminal under such circumstances would be—"Then, Sir, I shan't finish the Testament;" yet this was the first remark made. This prisoner had determined to commit to memory the whole of the New Testament, and can repeat accurately every chapter as far as the 2nd Epistle of St. Peter, and on hearing of his discharge it was evident he felt some disappointment that he could not complete a work in which he had taken so much pleasure. Each of these prisoners with much feeling and many tears expressed gratitude that he had been subjected to punishment so corrective, and under which he had derived so much advantage. Such pleasing results, which are by no means rare, may truly excite us to thank God and to persevere. Cheering indeed is the assurance that on both the supporters of our present system, and on those engaged in its operations, it brings "the blessing of some who were ready to perish."

\* I am deeply sensible of the advantages thus afforded to the Chaplain in the discharge of his duties, and my experience of the former system in this respect enables me to assert the truth of the following statement:—"Punishments superimposed upon that to which the prisoner was originally sen-

course can now contaminate the innocent, or prepare the prisoner who shall be acquitted at his trial for the perpetration of crime. Those whose general misconduct may have excited suspicion, and caused a charge against them of which they are guiltless, are induced to consider their past folly, and to determine that their future life shall be more reputably spent. Some committed under such circumstances, have not only acknowledged the advantages thus derived, but have expressed their thankfulness that they were arrested in their evil course, and future disgrace and punishment thereby prevented.\*

tenced oppress by sufferings and privations beyond the awards of law. The prisoner sees that the privations which occasion him most discomfort are not the punishments to which he has been legally sentenced: hence arise mental irritation, a sense of injustice, a forgetfulness of his offence and an unconciousness of his guilt, which effectually close every avenue by which admonition might reach his mind, and render hopeless and unavailing the efforts of the Chaplain.”—*Second Report of the Commissioners*, p. 3.

\* In this respect how pleasing is the contrast effected by our present discipline to the consequences of imprisonment, so accurately described both by Howard and Buxton, as the result of association. I quote some of their observations, under the conviction that they apply with almost equal force in the present day to every prison in which the intercourse of criminals is allowed :—

“ The general prevalence and spread of wickedness in prisons, and abroad, by the discharged prisoners, will now be easily accounted for. It is often said, ‘ A Prison pays no

The very proper demeanour of your prisoners at their respective trials, has attracted public attention ; and the number of those who acknowledged their guilt, when arraigned, is a remarkable proof that the previous custody under the present system, has

debts'—I am sure it may be added, that *a Prison mends no morals*. Sir John Fielding, in his plan for preventing robberies, observes, that ' A criminal discharged, generally by the next Sessions after the execution of his comrades, becomes the captain of a gang of his own raising '—improved, no doubt, by the company he kept in gaol. I scruple not to affirm, that half the robberies committed in and about London, are planned in the prisons by that dreadful assemblage of criminals and the number of idle people who visit them. How contrary this to the intention of our laws with regard to these offenders—which, certainly, is to correct and reform them ! Instead of which, their confinement doth notoriously promote and increase the very vices it was intended to suppress. Multitudes of young creatures, committed for some trifling offence, are totally ruined there. If it were the wish and aim of magistrates to effect the destruction, present and future, of young delinquents, they could not devise a more effectual method than to confine them so long in our prisons—those seats and seminaries (as they have been very properly called) of *idleness and every vice*."—*Howard on Prisons*, p. 13.

" For the improvement of the unconvicted prisoner, you should labour, as a recompence for his confinement before trial, that thus you may convert the suspicion of crime into its prevention in future—that thus you may addict him to such habits, and instil such principles, and impart such instruction as may repair the damage you have done him—and that he, being amereed of one period of his life, may spend the remainder more respectably."—*Sir T. Fowell Buxton on Prison Discipline*, p. 15, 6th Edit.

a corrective influence. The conscience becomes alive to the sin of lying, and many have declared to me before the trial, that they prefer to bring certain punishment upon themselves by confessing the truth, rather than endeavour to escape by such an increase of sin as telling a lie to conceal it. Remarks similar to these were made by several previously to the last Quarter Sessions, as well as by some about now to appear before you. Although no inducements whatever, excepting those which the Holy Scriptures enforce, were presented to their mind, yet at the last Sessions one half of the criminals from this gaol who were convicted, confessed their crimes when called upon to plead—a circumstance, I suppose, without a parallel in the records of any criminal court in which so large a number was arraigned.

The propriety of confining prisoners in separate cells before their trial has been questioned, and a partial survey of the new gaol, without intercourse with any one of its inmates, has called forth some very erroneous statements on the imagined severity to which the unconvicted were subjected. Their separation and the resemblance of their confinement in this respect to that of the convicted prisoner, is represented as “contrary to the spirit of the English law;” and with reference to their treatment it is said that “there is a despotic\* and audacious cruelty

† As to the presumed illegality and despotism of detaining the untried apart from their accused fellow-prisoners, the



in the practice, which will inspire all who hear

following arguments appear unanswerable :—The State says —“ ‘Thou hast offended, we must punish.’ We grant the right, but the State has no right to corrupt, and it does corrupt, positively, directly, and not accidentally, because the corruption takes place as a necessary consequence of joint imprisonment, according to the nature of man. \* \*

The State has no right to corrupt, and the prisoner can claim protection from prison corruption, and ought to claim it, were he awake to his rights and interests—and society claims it, because it demands to be protected against crime—not to have it increased tenfold by wicked carelessness on the part of the State. Let us rightly understand the matter. The demand is not made on the score of charity, still less of overstrained philanthropy—it is a demand founded on the strictest right. The State, which exposes to contamination, after having become acquainted with the fact, acts criminally if it persist—frequently more criminally than the offender, who may have been led to his offence by want, by utterly neglected education, &c. The State becomes the wilful perpetrator of crime, and, inasmuch as it frustrates the intended effect of its punishment, a cruel offender itself, because it inflicts suffering to no purpose.”—*Professor Liebig*.

Although the extract which follows was written when the question was under the consideration of the French Government, yet, I think, it must appear equally applicable to the case of the unconvicted in our own land :—“No doubt separate confinement, with regard to the untried, should have nothing of a penal character. There is no ground of dispute upon this point. The difference is in the nature of things. But does it follow, that the untried have a natural absolute right to be confined, or to exist together, so that society cannot separate them without injustice, and violating the rights of humanity? Certainly not. The untried cannot claim such



of it for the first time with an indignant horror.”\*

The plausible arguments contained in the pam-

a right. Society which has a right to incarcerate them—that is to say, to take them from their families—has, by the same rule, the right to separate them from each other. In one case, as in the other, the interests of society is the foundation of rights. Associated imprisonment has the same evils for the untried as the condemned, and presents the same opportunities for mutual contamination, for confederacies, and for criminal enterprizes, which follow.”—*Journal des Débats*, May 3, 1844.

In a small work just published, the title of which—“Benevolence in Punishment”—describes its character, I met with these judicious remarks:—“Let us beware on what grounds we attempt to oppose the introduction of benevolent principles in our penal legislation, *No nation can have a right to punish by a system which directly tends to deteriorate its criminals*; and no nation can succeed in arresting the growth of crime unless it apply all its energies to the moral reformation of criminals, and thus ‘lay the axe at the root of the tree.’”—*Page 18.*

\* In this sentence Sir Richard Vyvyan refers especially to the prisoners being “disguised by masks.” The following quotation from the reply of Mr. Merry will sufficiently explain the practice, and if the first hearing should “have inspired feelings of indignation and horror,” this further information will afford relief, and it is hoped those morbid sensations will give place to the more healthful feeling of approval and complacency:—“We can pretend to nothing more than a plain ordinary cap, with a peak larger than usual, so large, that is to say, that a prisoner, during the minute or two he may be passing from his cell to chapel or the exercise yard, may, by turning it down, conceal his face sufficiently to prevent recog-

phlet referred to have been so satisfactorily refuted, and the truth so distinctly declared in a reply since

nition by fellow-prisoners. This 'despotic' infliction may possibly in the whole embrace five minutes in the course of the twenty-four hours. Surely it is not justifiable so to misapply (not to say prostitute) terms, as to speak of this act of mercy as an 'audacious cruelty.' Who does not see, after a moment's reflection, that if the 'untried prisoner' be innocent, he must only more deeply feel the grief and shame of being seen in such a place and by such companions—persons who, in the chance-medley of after days, may claim his acquaintance out of prison as well as in, and insult and distress him with their hail fellow well met. How real the consolation rather than the cruelty, therefore, of avoiding the coarse stare and passing scoff. The means of thus avoiding observation have been petitioned for as a favour by those, both male and female, not subject to prison dress and discipline. He knows in fact but little of human nature who is not satisfied that not only among those of some character, but even among those of lower grade, there lurks some lingering sense of shame, brazened over perhaps for the very purpose of its concealment, but very capable of being revived into healthful operation if the right chord be touched. *Every man ought* to be ashamed of being seen in prison. Every right-thinking man whom a momentary fault may have disgraced, would pray that as few persons as possible might know of his being there. This feeling of self-respect may have been dimmed and all but lost in many we have to deal with, but in none perhaps is it obliterated beyond recovery. It is our part to recall it if possible."

"By steady perseverance in the path of industry and honesty, a discharged criminal may succeed in gaining the character of a useful member of society; but he will live in constant apprehension of having his good name suddenly and irremediably forfeited by the recognition of an abandoned fellow-prisoner.

published,\* that I need not trouble you with any remarks further than to observe, that as to the supposed cruelty of this separation, I considered the

who may be tempted to expose the past delinquencies of the penitent, of whom, but for the previous acquaintance in prison, he might never have had the slightest knowledge."—*Second Report of the Inspectors of Prisons.*

The following may further show the policy and great kindness of preventing recognition :—" I would entreat those who happen to know of some delinquency in a fellow-being, to keep the secret faithful, as long as his life gives assurance of sincere amendment. A very young man, who is now in Sing Sing, when tried for his second offence, told a story at the bar, which was in substance as follows :—' My first offence was committed more in thoughtlessness, than with deliberate wickedness. But I felt I was to blame, and was willing to bear the penalty like a man. In prison, I formed the strongest resolutions to atone for my fault by a life of honest usefulness. When my time was out, I succeeded, after a good deal of difficulty, in obtaining employment. I did my best to gain the confidence of my employer, and succeeded. Every day I felt my manhood grow stronger. But at last a person came into the store, who eyed me keenly, and I turned pale under his gaze. He told my employer that he had seen me among the convicts at Sing Sing; and I was sternly dismissed. I went to Philadelphia to seek for any honest employment I could find; but a man who saw me there told me if I did not quit the city in twenty-four hours he would expose me. I came back disheartened to New York. I had spent my last dollar. Christians would not give me a home; gamblers and thieves would; and here I am again on my way to Sing Sing.' "—*Mrs. Child's Letters from New York.*

\* Observations in reply to a Letter of Sir Richard Vyvyan, Bart., M. P., by William Merry, Esq.

testimony of the prisoners themselves would be most decisive ; and that I might ascertain their feelings on the subject, I put the following question to each prisoner awaiting his trial, who had been in custody longer than a fortnight, “If allowed to choose whether you would now be confined in a room with a number of others, or remain alone, as you have been, until your trial, what would you say?” Whilst they were almost unanimous in declaring their belief that it was far better for them to be alone, there were but three or four, out of about thirty, who desired to be associated. The answer commonly given was, “If I had been asked when I came in, or soon after, I should have chosen to be placed with others, but I can now see ’tis better to be alone.”\* I have every reason to believe that these were really honest declarations, and my intercourse with all the unconvicted since has tended to confirm this impression.

Such testimony may perhaps raise a doubt as to whether a system so humane towards the untried as to be preferred by them, and therefore so suitable for prisoners who are not the subjects of punishment, is of a sufficiently penal character to suit the case of those who having been convicted are sentenced to imprisonment as a punishment. On this subject I beg to repeat that your discipline is corrective to all classes, and if its severity can be so mitigated, or its advantages made so appa-

\* See Appendix.



rent, as to render such imprisonment a matter of choice to those whose innocence, though presumed, is rarely proved, then, surely, it is well adapted to such prisoners. It is important, however, to observe that even with these the preference expressed is the result of correction—it is not prompted by any supposition that as a punishment separate confinement is less painful than imprisonment amongst companions. The accused prisoner prefers it after a time—he would not have chosen it when first committed. There are some exceptions—prisoners of the most depraved character, and in whom there has been no improvement, do not make this choice, yet the separation of such for their own sake, and to prevent the contamination of others is especially needful.\* Whilst therefore my intercourse

\* “There are some separate cells in Newgate. At the time of our recent visits we found some prisoners in the cells by their own desire; and the reasons assigned by them for this preference were nearly all to the same effect—that they were all unused to such a place as a prison, and they did not like to associate with so many prisoners as were together in the other wards, or to make their acquaintance—they had rather be alone. Thus it often is with the comparatively uncorrupt. Such characters dread or recoil from the forced companionship with others to which such a prison as Newgate subjects them; while the depraved and hardened offenders, on the other hand, cannot bear to be alone, and thus be compelled to make their own conduct the subject of their reflections.”—*Fourth Report of the Inspectors of Prisons.*

“Wherever any sentiment of self-respect remains—wherever sorrow or a sense of disgrace is weighing on the



with the untried prisoners confirms my persuasion that the separate cell, in accordance with their own corrected desires, is a most merciful provision for them, I submit that the same system of separation, and similar discipline is not, because preferred by that class, less suitable to the convicted inmates of the House of Correction. With these it is a *corrective punishment*, and I may presume that if correction be effected, and the repetition of crimes prevented, the law is sufficiently vindicated.\*

mind, the offer of separation is gladly embraced. On the other hand, the old offender, the thoughtless, the callous, prefer the workroom and the unrestrained conversation of the yard during meal-hours. — *Report of the Rev. J. Clay, Chaplain of the Preston House of Correction.*

\* “ The proper end of human punishment is not the satisfaction of justice, but the prevention of crimes. By the satisfaction of justice, I mean the retribution of so much pain for so much guilt—which is the dispensation we expect at the hand of God, and which we are accustomed to consider as the order of things that perfect justice dictates and requires. In what sense, or whether with truth in any sense, justice may be said to demand the punishment of offenders, I do not now inquire; but I assert, that this demand is not the motive or occasion of human punishment. What would it be to the magistrate that offences went altogether unpunished, if the impunity of the offenders were followed by no danger or prejudice to the commonwealth. The fear lest the escape of the criminal should encourage him, or others by his example, to repeat the same crime, or to commit different crimes, is the sole consideration which authorizes the infliction of punishment by human laws.” — *Paley. — Moral Philosophy, chap. ix.*

Scarcely sufficient time has yet expired since the present discipline was introduced for me to report much concerning discharged criminals. Out of a class so degraded—the very dregs of the commu-

“In judicando sive corrigendo hæc lex secuta est, quam princeps quoque sequi debet: at aut eum quem punit, emendet aut pœna ejus cœteros meliores reddat.”—*Seneca, de Clementiâ.*

“As to the end, or final cause of human punishments. This is not by way of atonement or expiation for the crime committed, for that must be left to the just determination of the Supreme being: but as a precaution against future offences of the same kind.”—*Blackstone's Comment. Book iv. ch. 1, s. 2.*

“A more recent commentator on our criminal laws has observed—‘All punishment is an evil, though a necessary one. The pain produced by the offence is one evil; the pain produced by the punishment is an additional evil; though the latter is necessary in order to prevent the recurrence of the offence. Consequently a penal system ought to aim at economising pain, by diffusing the largest amount of salutary terror, and thereby deterring as much as possible from crimes, at the smallest expence of punishment actually inflicted; or (as the idea is concisely expressed by Cicero) ‘ut metus ad omnes, pœna ad paucos perveniret.’”—*Pro Cluentio, c. 46.*

“At present there can be no doubt that the majority of released criminals are active agents for evil:—but to what is this so much owing as to the deteriorating effect of vindictive and purely exemplary punishment on their individual characters? They are made worse by their penal treatment than they were before; and they go forth like a moral blight on society. But let us reverse this most disgraceful consequence of existing management, and there seems no reason whatever for their not becoming a moral remedy. It is even proverbial that the most effective persuaders from vice are those who have been themselves reclaimed from it, whose wills have been

nity—it can be no wonder that some, of whose improvement I cherished the hope, should have relapsed. Disappointed in a few cases I have been, yet by no means discouraged, since I can with pleasure refer to many whose conduct is affording proof of reformation. Gratifying indeed have been some accounts received from liberated offenders themselves, as well as from clergymen of parishes to which they have returned. I have also myself visited the homes of some of our former prisoners,

gained, not merely their bodies restrained. They can speak experimentally of the delusion of its promises, and the far higher rewards of a return to virtue.”—*Benevolence in Punishment*, p. 175.

“The punishment of a crime cannot be just (that is necessary), if the laws have not endeavoured to prevent that crime by the best means that times and circumstances would allow.”—*Marquis Beccaria—Essay on Crimes and Punishments*, ch. 30.

“The convicted criminal is entitled to your care. Our law is not, in its true spirit, whatever it may be in its modern enactment, a system of bloody vengeance; it does not say so much evil is repaired by so much misery inflicted. A merciful and enlightened jurisprudence, like the Author of all that is merciful and wise, does not rejoice in the death of a sinner; but rather, that he should turn from his wickedness and live. Punishments are inflicted that crimes may be prevented, and crime is prevented by the reformation of the criminal. This may be accomplished. *The prisoner, being separated from his former associates, ceases to think as they think, he has time for recollection and repentance; and seclusion will humble the most haughty, and often reform the most abandoned.*”—*Sir T. Fowell Buxton on Prison Discipline*, p. 16. *Sixth Edition.*

and have been cheered by the testimony given, and the evident signs of improved character which I have there observed.\*

\* Although I do not venture at present to describe the particular cases of prisoners, concerning whose reformation I feel much confidence, because, as I have stated, the time of trial has hitherto been short, yet I can with pleasure refer to some public documents which prove the happy effects of similar discipline in other establishments. The plan of separation was many years since pursued in Gloucestershire; and, in 1819, this testimony was given by Sir G. D. Paul before a Select Committee of the House of Commons:—"It has succeeded in its effects beyond the theory imagined by the original projectors of the system—far, indeed, beyond my most sanguine hopes. It is within my own personal knowledge that many returned from this Prison to obtain a livelihood by honest industry."

I have extracted the foregoing from an interesting volume lately published, entitled "Prisons and Prisoners," in which much confirmatory evidence is adduced. The following is the statement of a mercantile clerk who had been confined for some years in the Eastern States Penitentiary:—"I regard my confinement as the happiest event of my life. It has dissolved improper connections, improved my mind, and, I trust, made better my heart. Whatever reformation my imprisonment may have produced, I attribute it to the separate seclusion from evil example and worse precept, which must necessarily follow the indiscriminate congregation of offenders in a place of punishment."

It is perhaps right that I should here add the testimony of one who filled a similar situation, and was confined in our own prison several months. In a letter I received from him, he says—"My former occupations having been those of activity and bustle, you will easily imagine that sudden seclu-



During the past year I have been called to discharge the most painful duty of ministering to one condemned and executed for the crime of murder ; and distressing is my present task in attending two others charged with the like atrocious offence. I refer to the former, because repeated have been the inquiries as to what was the conduct of our prisoners when that execution took place? I have felt satisfaction in stating that it was suited to so awful an occurrence—a contrast indeed to that of the associated criminals of Newgate, who, at the time of a late execution in front of that prison, were making sport of the event by the mimicry of its horrors. Respecting the punishment of death in cases of murder, I believe the divine precepts to be so positive, that no man is at liberty to question the exclusion from all society brought on reflection, accompanied by all the bitter feelings of regret, which are the certain consequences of reflection on misdeeds—unless indeed the feelings are hardened beyond the power of remorse—which however was not my case, and you may better imagine than I can describe the anguish of mind which I suffered and the bitter workings which my wounded spirit felt. I deeply and painfully feel my degraded position. \* \* \* During my imprisonment, I suffered from physical causes, yet my mental faculties were rather improved than impaired—my disposition and morals considerably improved, inasmuch as those scenes of vice and dissipation, in which I once delighted, are now a source of disgust. My mind has been rendered more thoughtful, and, above all, I trust I feel some little of the corrective influence of religion. I fervently hope that my future life may prove the truth of these remarks.”



diency. Yet whether the penalty should be *publicly* inflicted may be a lawful inquiry ; and whilst I mention the proper demeanour of our prisoners on the awful occasion referred to, I must add that proofs were not wanting of the demoralising effect of the shocking spectacle on the multitude assembled.\*

\* “ Barbarous spectacles of human agony are justly found fault with, as tending to harden and deprave the public feelings, and to destroy that sympathy with which the sufferings of our fellow-creatures ought always to be seen ; or if no effect of this kind follow from them, they counteract in some measure their own design, by seeking men’s abhorrence of the crime, in the commiseration of the criminal. But if a mode of execution could be devised which would augment the horror of punishment, without offending or impairing the public sensibility by cruel or unseemly exhibitions of death, it might add something to the efficacy of example. \* \* \* Somewhat of the sort we have been describing, was the proposal, not long since suggested, of casting murderers into a den of wild beasts, where they would perish in a manner dreadful to the imagination, yet concealed from view.”—*Paley on Crimes and Punishments*.

\* \* ‘ The punishment of death is pernicious to society, from the *example* of barbarity it affords.”—*Marquis Beccaria*—*Essay on Crimes and Punishments*, ch. 28.

Although the sight of an ignominious death on the scaffold might be supposed to operate as a preventive to crime by those who dread disgrace, and desire that their memory may be revered, yet it is evident that this class are not attracted by the revolting spectacle—the attendants at such a scene are generally characters of the lowest grade, in whom the sense of shame is well nigh lost, and who are less influenced

I will not presume to occupy a larger portion of your time by describing many more good effects of the present discipline, which my constant intercourse with our prisoners has enabled me to discover; but there is one happy result on which the love of justice, and my duty as your Chaplain, compel me to speak. Your present system provides an *equitable punishment*\*—by which I mean that the punishment is *proportioned* both to the *particular offence* and to the *general character* of the criminal. Remarkable is the difference in this respect to the hard labour of the tread-wheel, or any similar corporal punishment, the severity of which depends upon those physical powers which vary in the case of every individual; and without an acquaintance with which no judge can possibly estimate the mea-

by the fear of suffering as they become more familiarized with things dreadful. The mistake of supposing that precaution is necessarily produced by such a sight is thus described by Archbishop Whateley:—"If the exhibition of criminals publicly executed tends to heighten in others the dread of undergoing the same fate, it may be expected that those soldiers who have seen the most service should have the same dread of death in battle: but the reverse of this is found to be the case, therefore the former is not to be believed."

\* The keen perception of prisoners on this subject is remarkable. The sentence which the law enforces, and which the conscience of the criminal approves as deserved, will be suffered with patience, and it may be hoped with profit; but if there be any apparent injustice or want of equity in the punishment, a more sure preventive to any corrective tendency can scarcely be conceived.

sure of punishment he inflicts on an offender. I have known many cases of criminals convicted of the same offence, and sentenced to the same term of imprisonment, whose punishment therefore was *intended* to be *equal*, yet enduring a penalty in which the *discrepancy was painfully evident* ; and it not unfrequently happened that the *more vicious* culprit was subjected to the *smaller* measure of punishment—because, as stated, his bodily strength was superior to that of his companion in crime. By the present discipline these evils are prevented. Whilst the *term* of the punishment is proportioned to the nature of the crime, the *measure* of suffering differs according to the moral character of the individuals. The seclusion, and deprivation of all means of sensual indulgence, is for a time painful to all prisoners : *none*, therefore, are *without punishment*. But whilst the less vicious ere long find relief in the instruction and opportunities for improvement which are afforded them, the more dissolute and depraved not only feel their punishment to be far more severe at first, but give evident proof that its severity continues so long as their evil inclinations are cherished.

Allow me, then, to congratulate you on having adopted a system of Prison Discipline so satisfactory to the claims of justice, so merciful towards offenders, so calculated to protect both the property and person, and to improve the character of society. A system of punishment corrective in its application, and possessing this peculiar advantage, that it

becomes less painful in exact proportion to the improvement of the criminal, and therefore as the necessity for its continuance is diminished.

I have the honour to be,

My Lords and Gentlemen,

Your faithful servant,

J. FIELD, Chaplain.

To the Magistrates of the County of Berks.

P.S.—I observe with much pleasure that the plan for the relief of deserving prisoners when discharged, which I had the honour to submit for your approval some years since, but which was not carried out at that time in consequence of the proposed change in Prison Discipline, is a subject for re-consideration at these Sessions.\* The need for such relief is not lessened,† and I believe that the abuse of such

\* The plan proposed that the Chaplain should recommend any prisoner about to be discharged, of whose reformation he entertained the hope, to the favourable consideration of the Visiting Justices, in order that, if they considered the criminal deserving, they might direct some communication to be made to the clergyman of the parish to which the liberated offender was about to return, requesting him to afford such temporary relief as might appear necessary out of a fund to be provided for that purpose.

† “The poor acquitted prisoner shall go from door to door asking for work in vain. Is it not to be lamented that every spark of good intention, instead of being cherished, should be thus extinguished? and that the penitent should by an almost irresistible necessity be driven again, though reluctant, to the practice which soon brings him back to his former mansion;



charity would now be less frequent. With reference to this subject I may remark, that in every case of the re-committal of prisoners who had been for three months previously confined in this prison, the offence was committed within a week after their discharge, and whilst, as they declared, being unable to obtain work, they were in a state of perfect destitution. So great must be the force of temptation under such circumstances, that the repetition of offences can excite little surprise.\*

and shortens a wretched life, that might have been, that fain would have been, an useful one."—*Howard on Prisons*, p. 25.

The observations by Paley are applicable to the present time—"By a rule of life, which is perhaps too invariably and indiscriminately adhered to, no one will receive a man or woman out of a gaol into any service or employment whatever. This is the common misfortune of public punishments, that they preclude the offender from all honest means of future support. It seems incumbent on the State to secure a maintenance to those who are willing to work for it."—*Moral Philosophy*, ch. i.r.

\* The design of this charity is not to interfere with the relief legally provided, but since it cannot be expected, and is scarcely to be desired, that the liberated offender should at once resort to the Poor-house for support, the proposal is to afford him some assistance during the short time he is seeking employment, when he must otherwise be entirely destitute. The consequences of such destitution are most forcibly represented in the following statement:—"No Poor Law relief being provided in Scotland, many prisoners, not having the means of subsistence, were allowed to remain in the Bridewell at Glasgow (which is conducted on the separate system) after



their term of punishment had expired." But in a recent report of the Inspectors of Prisons in Scotland, it is stated that the General Board of Directors have determined, "that, in the present state of the law, there is no authority for applying the prison funds to the support of persons subjecting themselves to imprisonment," and accordingly gave instructions for the discontinuance of the practice. The result has unfortunately been to convert a number of persons into criminals, who had shown, by their willingness to give up their liberty, to work hard, to live on the plainest fare, and to submit to all the rules of a prison, that they were sincerely desirous of avoiding a life of guilt, and of living peaceably and honestly. Nearly half of those who had been thus rejected from the Glasgow Prison, have already returned as offenders, and some of them under serious charges

## APPENDIX.

TABLE No. 1.  
Shewing the Ages of Prisoners.

Under 10 years.		From 10 to 15		16 to 20		21 to 30		31 to 40		41 to 50		Above 50		Total.	
M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
6	1	52	5	276	35	235	23	106	8	51	1	31	3	757	76

TABLE No. 2.

General Education received by the above prisoners previously to their committal.

AGE..	Under 10 yrs		10—15		16—20		above 21		Total.		Total of both Sexes.
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
Could not read .....	5	1	29	3	105	7	188	14	227	25	352
Could read .....	1		18	2	89	13	110	13	218	28	246
Could read and write im- perfectly .....			5		81	14	117	7	203	21	221
Could read and write well..					1	1	6	1	7	2	9
Had received a superior education .....							2		2		2

TABLE No. 3.

Religious knowledge possessed by Prisoners when committed.

AGE..	Under 10 yrs		10—15.		16—20.		above 20		Total.		Total of both Sexes.
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
Could not repeat the Lord's Prayer, and were ignorant of the Saviour's name .....	5		21	2	103	5	131	6	266	13	279
Could repeat the Lord's Prayer, and were imperfectly acquainted with the simple truths of religion .....	1	1	28	3	157	22	250	22	426	18	484
Had learnt the Creed, the Commandments, and Catechism generally, remembering the most important parts .....					16	7	37	6	53	13	66
Were familiar with the Holy Scriptures, and had been well instructed in religious truths .....						1	2	1	2	2	4

TABLE No. 4.

AGE..	Under 10 yrs.		10—15.		16—20.		above 20		Total.		Total of both Sexes.
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
Of the above who could read, or read and write, yet could not repeat the Lord's Prayer.....	1		6		45	3	53	1	105	4	109

TABLE No. 5.

AGE..	Under 20.		Above 20.		Total.		Total of both Sexes.
	M.	F.	M.	F.	M.	F.	
Had been confirmed .....	11	13	31	9	42	22	64

TABLE No. 6.

Prisoners whose Parents were Criminals.

AGE ....	Under 15 Years.		16—20.		Above 20.		Total.
	M.	F.	M.	F.	M.	F.	
	19	2	61	7	30	2	

Of the 833 Prisoners described in the former Tables, 471 had been previously in custody either in the Old Gaol at Reading, or in other Prisons, as shown by the following Table :—

TABLE No. 7.

Once.	Twice.	3 times	4 ditto.	5 ditto.	6 ditto.	7 do.	8 do	9 do.	10 do.	Total.
211	127	61	24	35	14	7	1	5	1	471

Of 833 Criminals, 65 have been twice committed to *this* prison.

The following Table shews how often those 65 Prisoners had been in custody previously to their first committal to this prison :—

TABLE No. 8.

Not known to have been in Custody before—13.	Once.	Twice.	3 times	4 ditto.	5 ditto.	6 ditto			9 times
	18	10	7	7	6	3			1

TABLE No. 9.

Shewing the time those re-committed Prisoners spent in this gaol when *before* in prison.

Less than 7 days.	10 days	14 days	21 days	One month.	Six weeks	Two months	Three months	Four months	More than 4 months	For trial.	Total.
2	2	16	10	14	5	5	1	1	1	*8	65

\* The eight prisoners previously in custody before their trial were but a short time in gaol, and not one of them was convicted.

Not less than 15 of these re-committed offenders were children of criminals, either one or both parents having been convicted.

TABLE No. 10.

Further Particulars of the Criminals Recommitted to this Prison.

Reg. No.	Initials of Name.	Age	Term of former confinement in this prison.	In custody before.	
65	G. W.	15	1 month	.....	Although reported officially as re-committed, this offender was not really liberated after his first imprisonment, having been taken in custody from the gaol, and sentenced to longer confinement on account of offences previously committed.
128	S. L.	20	14 days	.....	Infected with itch during his former imprisonment, and confined in a cell appropriated to prisoners thus diseased, where he could receive but little instruction. Of most depraved character, and wretchedly ignorant.
528	J. H.	22	1 month	3 times	Had been trained in vice from infancy; his father had been transported; could not read, and ignorant of religious truths.
502	H. W.	16	14 days	Twice	His father and mother absconded when he was an infant, leaving him to the care of a grandmother, by whom he appeared to have been brought up under no control, and in most vicious habits.
361	R. M.	22	14 days	Twice	
332	W. G.	14	21 days	.....	
334	D. G.	32	21 days	9 times	
142	W. P.	30	1 month	5 times	Recently discharged from Abingdon prison.
342	G. G.	19	14 days	Twice	
344	D. J.	16	1 month	Once	Re committed for poaching.
381	J. B.	38	10 days	Once	
389	E. G.	22	* 1 day	.....	* Was removed to Abingdon prison when before in custody.
857	E. H.	50	14 days	6 times	Wretchedly ignorant, and so deaf that it was impossible to give him any instruction during his short imprisonment.
602	S. K.	17	4 months	5 times	
408	J. B.	24	For trial	.....	Respectably connected, but so desperate a profligate, that his friends refused to afford him any assistance.
423	J. R.	13	10 days	.....	An illegitimate child, whose mother had been dead several years.
—	J. C.	19	21 days	.....	Re-committed for misconduct in Lambourn workhouse.
431	E. W.	15	6 weeks	5 times	Father transported for felony.
439	G. O.	19	1 month	.. ..	Re-committed for an offence committed previously to that for which he had before suffered.



TABLE No. 10 (*Continued*).

Reg. No.	Initials of Name	Age.	Term of former confinement in this prison.	In custody before.	
473	J. R.	20	6 weeks	Once	Re-committed for misconduct in workhouse.
474	T. H.	21	6 weeks	.....	Misconduct in workhouse; father several times in prison.
477	S. J.	22	21 days	4 times	Father had been three times in prison.
599	J. H.	22	2 cal. mos.	5 times	Re-committed for misconduct in workhouse.
488	G. P.	19	6 weeks	Twice	Re committed for trial, but acquitted.
489	J. S.	17	15 days	.....	Father twice in prison.
511	C. T.	19	14 days	3 times	
176	J. H.	17	21 days	Twice	Both parents have been convicted,
530	H. W.	26	1 month	Once	
512	H. G.	20	21 days	.....	Father a convict.
513	E. J.	16	21 days	Twice	Father imprisoned for felony.
564	R. H.	18	A few days before trial	4 times	Illegitimate. Mother has been in prison.
566	M. B.	19	2 months	3 times	
570	J. G.	18	1 month	Once	
577	R. S.	8	7 days	Once	
581	J. B.	26	14 days	Once	
588	G. G.	48	14 days	.....	Re-committed for leaving workhouse with clothes of union.
593	G. B.	52	14 days	3 times	Re-committed for trial— <i>Acquitted</i> .
597	G. H.	20	For trial	Twice	Was before brought from the house of correction at Winchester to this gaol; committed on charge of felony, but acquitted at his trial. Subsequently convicted of house-breaking, and sentenced to transportation. An incorrigible profligate, discarded and prosecuted by his own relations.
601	A. J.	18	2 months	3 times	
603	G. J.	16	14 days	Once	Mother convicted of felony.
604	J. S.	21	21 days	Twice	Father transported.
609	T. M.	29	For trial		
615	R. C.	32	14 days	6 times	Had been twice confined in a lunatic asylum
617	D. N.	20	14 days	Once	
742	C. P.	20	1 month	4 times	
715	J. S.	29	14 days	4 times	Father had been in prison
660	G. S.	44	1 cal. mo.	6 times	
674	J. C.	21	1 cal. mo.	Once	Re-committed for trial—acquitted. His companion who was convicted, stated that he committed the offence alone.
688	G. S.	24	1 cal mo.	Once	Father convicted.
	G. S.	16	21 days	Twice	
679	T. F.	19	9 months	5 times	Father had been in prison
		20			Re-committed within a week after his discharge, for cutting grass, &c., which he was tempted to do, being in a state of destitution, and finding no person would employ him.

TABLE NO. 10 (*Continued*).

Reg. No.	Initials of Name.	Age.	Term of former confinement in this prison.	In custody before.	
720	W. W.		3 cal. mos.	Once	This criminal was also re-committed a few days after his discharge, being far from home, and perfectly destitute.
737	J. G.	18	14 days	Once	Of very weak intellect.
753	M. A. L.	17	6 weeks	4 times	
809	C. M.	17	21 days	Once	Father twice in prison.
808	E. M.	19	2 cal. mos.	Once	Sister of No. 809.
742	C. P.	20	1 cal. mo.	4 times	
783	G. A.	32	14 days.	Once	
812	D. D.	19	2 cal. mos.	3 times	
826	S. C.	36	For trial	Twice	
825	C. W.	18	14 days	.....	Re-committed for poaching.
870	W. G.	22	1 cal. mo.	Twice	Father imprisoned.
879	W. W.	21	14 days	5 times	Both parents absconded when he was quite young; education altogether neglected.
889	W. G.	13	1 cal. mo.	.....	Acquitted Oct. 15.
845	G. L.	18	6 weeks	Once	Half-witted; both parents convicted of felony.

TABLE NO. 11.

Particulars of 27 Prisoners referred to in Page 79.

Reg. No.		Instruction received before committal.	Mental improvement in the prison.	Term of imprisonment, &c.
87	An uncle died insane	Could read imperfectly	Learnt portions of the Old Testament, and the whole of the New Testament, as far as Epistle to Romans	12 months
139	Had been recently discharged from a lunatic asylum	Could read	Little improvement	3 weeks; was committed for ill-treating his wife, &c.
240	Sister a lunatic	Most ignorant	Learnt to read, and committed to memory three of the Gospels, and several chapters of the Old Testament	Imprisoned six months
264	An uncle deranged, and a brother of weak intellect	Could not read	Has learnt to read, and committed to memory the four Gospels, and part of the Acts of the Apostles	Committed nine months since, and now in prison.
26	Brother of No. 264	Could not read	Learnt to read, and could repeat the gospels of St. Mark and St. John	6 months in prison

TABLE No. 11 (*Continued*).

Reg No.		Instruction received before committal.	Mental improvement in the prison.	Term of imprisonment, &c.
277	An aunt in a lunatic asylum	Could read	Of dull capacity, but continues perfectly sane	Since November, 1844, for sheep stealing
378	Described in note p. 79			
505	An aunt insane	Could not read	Learnt to read, and committed to memory the gospels of St. Matthew and St. John	7 months for house breaking
523	A brother insane	Could not read	Learnt to read imperfectly	3 months for an assault
524	An uncle insane	Could not read	Of weak intellect, but shews some improvement	Since February, 1845, for an assault
353	Father had been insane	Could read	Learnt several chapters of the New Testament	14 days, misconduct in work-house
670	An uncle in a lunatic asylum	Could read and write	Can repeat the Gospel of St. John	Since May, 1845 for maliciously wounding his wife
700	An uncle deranged	Could not read	Learnt to read	2 months before transportation for sheep stealing
727	Himself occasionally deranged, the consequence of brain fever, &c.	Could read and write	Little improvement, but shewed no symptom of mental aberration	2 months for felony
734	Sister a lunatic	Could read and write	Learnt several chapters of the New Testament	1 month for an assault
717	A brother in a lunatic asylum	Most ignorant	Of very weak capacity, yet shewing a little improvement	Since May, 1845, for felony
749	Sister deranged, and had been herself insane	Most ignorant	Learnt but little	3 months for a felony
702	Mother in a lunatic asylum	Could not read		14 days for vagrancy
787	Father deranged 12 months before his death	Could read	Learnt several chapters of the New Testament	14 days for an assault
792	Brother died lately in a lunatic asylum	Could read and write	Learnt the Gospel of St. John, &c.	Since August, 1845, for housebreaking
839	An uncle insane	Could read	Has learnt several chapters of the New Testament	Since Sept. 13, 1845, for a felony
615	Had been recently discharged from a lunatic asylum	Could read	Learnt but little, yet continued perfectly sane	14 days for wilful damage
738	An uncle died in a lunatic asylum	Could not read		7 days for an assault

TABLE No. 11 (*Continued.*)

Reg. No.		Instruction received before committal.	Mental improvement in the prison.	Term of imprisonment, &c.
770	Two uncles deranged	Could not read		14 days for an assault
814	A sister died in a lunatic asylum	Could read and write	Learnt several chapters of the New Testament	14 days for destroying clothes, &c.
806	Mother deranged some years before her death	Could read and write	Afflicted with bad sight, which prevented learning, &c.	6 weeks for threatening language, &c.

The following exercises, referred to in page 78, were written by prisoners without the least assistance. The texts in support of the reasons given are the result of searching the Scriptures, and the careful diligence with which this has been done is the more remarkable, as the Bibles in use have no marginal references. I have transcribed the exact wording of the passages and the Scripture references without alteration; the spelling alone has been corrected. Some similiarity of one to another is discoverable. I have found the cause of this to be that the prisoners have remembered the observations made in sermons and expositions they have heard in the chapel. It is right, I should add, that these papers are but a few of hundreds which I have received, many of them equally good in every respect.

I.N., 21, Reg. No. 491.—Convicted of felony.—I found this criminal entirely ignorant of the contents of the Bible when committed, his former life having been most dissolute. Shortly after his committal he shewed much penitence, and the earnest attention with which during almost every hour of the day he was studying the sacred Scriptures attracted especial notice. He was but three months in prison yet he learnt the four Gospels, and several chapters of the Old Testament. On his discharge the Governor procured employment for him in an adjoining county, and I have received both from himself and his employer most pleasing assurances that his repentance was sincere.

“Our Father which art in Heaven.”

In what sense is God our Father ?

1. God is our Father, for from him we receive our being.  
Rom. xi. 36. Psalm civ. 30.
  2. God is our Father, for he supplies our bodily wants.  
Matthew vi. 31, 32. Isaiah lviii. 11. Psalm civ. 28.
  3. God is our Father, for he helps us in the time of trouble.  
Psalm cvii. 6. Jonah ii. 2. Psalm xxx. 2.
  4. God is our Father, for he bids us trust in him.  
1 Peter v. 7. Hebrews xiii. 5. 2 Cor. xii. 9.
  5. God is our Father : He shews his pity and spares us.  
James v. 11. Rom. ix. 16. Jonah iv. 11.
  6. God promises to be a Father to all that trust in him.  
Psalm v. 11. Psalm xxxvii. 3.
  7. God gave us power to become his sons if we believe on his Son.  
John i. 12. Rom. viii. 17. 1 John iii. 1.
- 

Give reasons why we should not frequent the public-house ?

1. Because we can get no good there.  
Luke xi. 4.
2. Because we should not go into bad company.  
Psalm i. 1. 1 Thess. v. 22. Proverbs i. 10.
3. Because we should not set a bad example.  
Luke xvi. 28. James iv. 17. Psalm cxl. 11.
4. Because we can employ our time better.  
Ephes. v. 15, 16. Titus ii. 11, 12. 2 John xi. 11.  
Psalm xc. 12.
5. Because we shall have to render a strict account of our lives at the day of judgment.  
Luke xvi. 2. Proverbs xxix. 1. Ecces. iii. 15, 17.
6. Because we should not encourage drunkenness, folly, and vice.  
1 Cor. vii. 31. Psalm ix. 17. Proverbs iv. 14, 15.



W. II., 35, Reg. No. 637.—Convicted of felony about five months since, and had been three times previously convicted. His mental improvement has been surprising, and his general conduct such as to encourage the hope of reformation.

Give reasons why we should always speak the truth ?

1. Because it is the express command of God.

Ex. xx. 16.	Numb. xxx. 2.	Matt. xix. 18.
— xxiii. 1.	Deut. v. 20.	Rom. xiii. 9.
Lev. xix. 11.		Eph. iv. 25

2. Because lying and hypocrisy is certain to draw down upon us the anger and judgments of God.

2 Kings v. 22, 27.	Ps. ix. 17.	Acts v. 5, 10.
Job viii. 13.	— xi. 7.	Rom. i. 18.
— xv. 34, 35,	— xii. 3.	2 Thess. ii. 9, 12.
Ps. v. 6.	— xxxi. 20.	Rev. xxi. 8.

3. Because however we may succeed in deceiving our fellow men by lying, we cannot deceive God.

Gen. iv. 9, 10.	Ps. xliv. 21.	Luke viii. 17.
Numb. xxxii. 23.	— cxxxix. 3.	1 Cor. iv. 5.
Josh. vii. 11, 18.	Acts v. 4, 9.	Gal. vi. 7.
2 Kings v. 22, 26.		

4. Because those who are careful to speak the truth are promised the enjoyment of God's favour.

Ps. vii. 11.	Ps. xxiv. 3, 4.	Ps. xxxiv. 12, 13.
— xv. 1, 3.	— xxxii. 2.	— xl. 5.

5. As lying is one of the principal weapons wherewith the devil seeks to destroy men's souls, we must be watchful and pray for God's grace to enable us to resist temptation.

Ps. xvii. 5.	Matt. xxvi. 41.	Eph. vi. 18.
— xx. 9.	Mark xiv. 38.	Col. iv. 2.
— li. 10, 12.	Luke xi. 4.	1 Thess. v. 17.
— cxli. 3.	— xxii. 40.	

G. B., 30, Reg. No. 388.—A convicted felon, who had been in another prison for a similar offence. When committed appeared hardened and very unpromising, but now shews decided improvement of disposition and character. Has been in prison nine months, and has committed to memory the whole of the New Testament, as far as the Epistle to the Hebrews.

### Why should I obey the 4th Commandment ?

1. Because God Himself rested on the seventh day and made it holy, and God has been pleased to set the same apart for rest and for holy purposes, that men might draw nigh unto Him and be able to work out their salvation.

Exod. xx. 8, 11.      Deut. v. 12, 16.      Gen. ii. 2, 3.  
Prov. xxiii. 3, 30, 32.      Jerem. xvii. 21, 24.

And because God hath provided on the Sabbath day these means of grace, which, if diligently attended to, will induce men to cease to do evil and learn to do well, and become wise unto salvation, and prepare them for His presence in Heaven.

Ps. c. 1, 4.	Ps. xlii. 12, 13.	Heb. ii. 3.
Heb. iv. 1, 9, 16.	—xxxvii. 23, 24, 30, 32.	Matt. xviii. 20.
Ps. xxiv. 5, 6.	—l. 23	Ps. xcv. 6, 7.
— cxi. 8, 10.	—ciii. 17, 18.	— xcii. 12, 13.

The writer of the following exercise was entirely ignorant of the contents of the Bible, and could not repeat the Lord's Prayer, when committed, on a second charge of felony. He had been in prison about six months before the date of this.

### Why should I obey the 8th Commandment ?

1. Because it is God's holy word, we find it in Exod. xx. 15 ; Lev. xix. 11, 13 ; Deut. v. 19 ; Matt. xix. 18 ; Mark x. 19 Rom. xiii. 9.

2. Because God has threatened punishment in this world, and everlasting punishment in the world to come, to those that keep not His holy commandments.

Levit. xxvi. 16 to 39.	Ps. xi. 6.	Rom. i. 18.
1 Kings xiii. 24.	Matt. xxv. 41.	1 Cor. vi. 9, 10.
Prov. xi. 6.	Gal. iii. 10.	Heb. xii. 25 & 29.
— xxii. 22, 23.	John xv. 6.	2 Pet. ii. 4.
Isaiah i. 28.		

3. Because it was promised at my Baptism that I should keep God's holy will and Commandments.

4. Because God hath promised mercy and eternal life to those that love Him and keep His Commandments.

Ex. xx. 6.	Ezek. xviii. 9.	Matt. xix. 17.
Deut. xi. 27.	— xxxiii. 15, 16.	John xiv. 21.

5. Because it will keep me from the disgrace that I am now in, and from injuring my neighbour, and I shall not fear what man can do unto me.

Ps. cxviii. 6.	Luke xii. 4, 5.
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So therefore I will pray to God to forgive me what is past, and to give me power to keep His holy word and Commandments for the time to come, as I can do nothing without the help of Almighty God.

Isa. i. 18, 19.	Matt. xi. 29.	Eph. ii. 8.
— lv. 6, 7.	John vi. 37.	Heb. vi. 17, 20.
Ezek. xviii. 27, 28.	Rom. ii. 10, 11.	Matt. vii. 7, 8.
		James iv. 7, 8.

J. L., August 18, 1845.

This criminal has been discharged about two months, and the accounts I have received of him have been satisfactory.

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H. W., 26, Reg. No. 530.—Committed six months since for obtaining money under false pretences, having been three times previously in gaol, and of a character so base as to have

been discarded by his own relations. During the last three months he has been the subject of intense sorrow, and I discover many pleasing signs of sincere repentance.

Why should I obey the 8th Commandment ?

1. Because it is part of God's most holy laws.

Exod. xx. 15.      Exod. xxi. 16.      Exod. xxii. 1, 4.

Levit. vi. 4, 5.      Levit. xix. 11, 13.      Deut. v. 19.

John x. 10.      Rom. xii. 17.      Rom. xiii. 9.

Ephes. iv. 28.

2. And Almighty God has promised a blessing to all that keep and do his holy Commandments.

Levit. xviii. 5.      Levit. xxv. 18 to 21.      Levit. xxvi. 3, 13.

Deut. viii. 1, 2.      Deut. vi. 24, 25.      Deut. v. 32, 3, 10.

— iv. 1.      Mark x. 19.

3. And he is a jealous God, and he will surely curse all who do not keep and do his holy will and commandments.

Exod. xx. 5.      Num. xxv. 3.      Levit. xxvi. 14 to 40.

Levit. xix. 37.      Deut. viii. 20.      Deut. vi. 15.

Deut. v. 9.      — iv. 24.

4. And the love of God toward us ought to constrain us to keep and do His holy will and Commandments, as He gave His only begotten Son as a sacrifice for our sins.

Matt. xvi. 21.      Matt. xxvi. 28.      Luke ix. 22.

Luke xxiv. 46, 47.      John iii. 16.      John x. 17.

John i. 29      Acts iii. 26.      Rom. iv. 25.

Rom. viii. 32.      1 Cor. xv. 3.      2 Cor. v. 21.

Heb. ii. 9      Heb. vii. 27.

5. And our Saviour Jesus Christ offered himself without spot for our offences, that we may serve God.

Heb. ix. 14, 24, 5.      Heb. x. 10.

6. And Almighty God is my Creator, from Him I derive my being, this ought to constrain me to obey Him.

Gen. i. 27.      Gen. ii. 7.      Gen. ix. 6.      Isaiah xlv. 12.

7. And likewise I promised by my sureties at my Baptism to renounce the devil and all his works, and to keep and do God's holy will and Commandments, which by God's grace I am now bound to perform.
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Written by T. N. Reg. No. 311, whose character I have described Vol. i. p. 265.

Why should I obey the Fourth Commandment?

1. Because it is God's law.

Ex. xx. 8.                      Levit. xi. 30.                      Deut. viii. 2.  
— xvi. 28.                      — xxvi. 2

2. The goodness of God set apart a seventh portion of our time for a season of rest.

Ex. xvi. 29, 30.              Levit. xxiii. 3.              Luke xxiii. 56.  
— xxiii. 3.                      Jer. xvii. 21.

3. Because the love of God should constrain us to keep His Commandments.

John iii. 16.      Rom. v. 8.      Rom. xii. 1.      John xiv. 15.

And if we keep them there is great reward.

Ps. xix. 11.                      Rev. xxii. 14.                      1 Cor. ii. 9.

We should think of the vow which we made in our baptism.  
Matt. xxviii. 19, 20.      John iii. 5.      Rom. vi. 2, 12.      Titus ii. 12.

Not seeking our own sinful pleasure.—Isa. lviii. 13.

Because this sin of itself is enough to bring the wrath of God and destruction upon the soul.

Ezek. xx. 13.      Rom. i. 18.      Ex xxxi. 13, 14.      Numb. xv. 32, 35.

God has given us this day to read and search the Scriptures.

1 Tim. iv. 13.      John vi. 39.      Acts xvii. 11.      Jer. xxix. 13.  
Ps. cvii. 43.

And thus to become wise unto salvation.—2 Tim. iii. 15, 16.

And to go to the house of God, humbly confessing our sins.

James iv. 10.      Luke xviii. 13.      Prov. xxviii. 13.      1 John i. 8, 9.



And to hear His most holy word.

Acts xiii. 44.

Luke xi. 28.

And to praise His most holy name.—Ps. xcv. c. xcii. 1.

Working out our own salvation with fear and trembling.

Phil. ii. 12.

Luke xxiii. 40.

Ps. cxi. 10.

And so to prepare for an entrance into heaven, and for that rest which remains for the people of God.

2 Peter i. 11.

Isa. lvi. 2, 5.

Heb. iv. 9.

T. N., Oct. 5, 1845.

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I have never met with a less promising character than the writer of the two following exercises appeared when committed. He had been a most depraved and abandoned profligate ; of a temper so violent and savage, that for some time I visited his cell with reluctance. He was imprisoned for six months for threatening to murder a relieving officer, and had been previously in gaol twice ; once for a similar offence, and again for deserting his family. To such a criminal the seclusion of his cell was a punishment most severely felt, but most corrective. He was ere long subdued, and by degrees became tractable, contrite, and so thankful for instruction, that to impart it became a duty as pleasant as the attempt to do so had before been painful. Scarcely could a greater contrast be imagined than was presented in the disposition and conduct of this offender after a few months confinement. Since his discharge, although he has been in much distress, and exposed to powerful temptations, his conduct has been most exemplary. His wife, who, as may be supposed, was a sufferer through his former vices, recently told me, (I use her own expression), “ the change seems as great to me as though the world was turned upside down.” The person who has since employed him also gives him a most satisfactory character.

The first of these exercises was given with a view to direct his thoughts towards a sin to which he had been especially addicted. The latter was entirely the suggestion of his own mind, and was written on the day before his discharge.

Give some advice to a drunkard, supported by texts of Scripture.

Drunkards—we shall find it true.

Isaiah v. 22.

Isaiah i. 28.

Then who hath woe, and who hath sorrow?—The drunkard.

Prov. xxiii. 29, 30. Hosea iv. 11, 18. Prov. xx. 1

For what is it that Joel tells the man?—Joel i. 5.

Hear what God says to the drunkard, and be wise.

Habak. ii. 15. Nahum i. 10. Prov. iv. 17, & xxi. 17.

The more a drunkard drinks, the more he wants.

Haggai i. 6. Isaiah xxiv. 7, 9, 11. Isaiah lvi. 12.

“Be not deceived: God is not mocked.” Then mind what you do.

Galat. vi. 7, 8.

Dan. v.

What is it that the drunkard has?

Galat. v. 21.

Proverbs xxiii. 31, 33.

Come be a drunkard no longer, and hear what God will do for you.

Ezek. xxxvi. 26, 27.

St. Peter and St. Paul, they advise us to be sober.

1 Thess. v. 6, 7, 8.

1 Peter iv. 7.

1 Peter v. 8.

Titus ii. 2, 4.

Drunkards, you will surely be punished, if you don't leave off your ways.

2 Thess. i. 9. Rev. xiv. 10. Deut. xxxii. 32, 33. 1 Tim. iii. 3.

Then, to finish, see 1 John i. 9. Col. ii. 21.

Advice from a prisoner who has left this cell to the next that do come in.

Phil. ii. 14.

Heb. xiii. 17.

Search the Scripture, which is able to make you wise unto salvation.

2. Tim. iii. 15.

Heb. vii. 25.

Because you must pray to be delivered from temptations.

1 Cor. x. 13.

Prov. xx. 22.

James i. 13.

Be wise, and you will see that the Commandment is a lamp,  
and the law is a light.

Prov. vi. 23. Ps. cxix. 105. Ezra. vii. 26.

Because you must depart from your evil ways.

Ps. xxxvii. 27, 28. Ex. xxiii. 2. Prov. xxiv. 20.

And you must not let any malice remain in your heart.

Luke vi. 27, 28. Ex. xxii. 28. Eph. iv. 31.

Because you must cast away from you all your transgressions.

Ezek. xviii. 31, 32. Isaiah lv. 7. Prov. xxviii. 13.

There is a way that seemeth right to man, but the end is  
death.

Prov. xvi. 25. Rom. viii. 13.

But you take advice, and say—"Evening and morning and  
at noon will I pray;" and do so.

Ps. lv. 17. Ps. li. 10. Ps. xx. 1.

For you will find that the wages of sin is death.

Rom. vi. 23.

Then pray for that godly sorrow, and prevent that sentence  
as will be to the wicked.

2 Cor. vii. 10. Matt. xxv. 41.

I remain your soul's well-wisher,

THE LATE PRISONER.

The following answers were given by prisoners awaiting their trials, in reply to the question—Whether they would desire to remain alone or to be placed in a ward with others? They were taken down as nearly as possible, in the precise words of the respondents:—

W. W., Reg. No. 279.—"The first fortnight," says a prisoner committed for sheep stealing, "I was very 'unkid' till I began to learn to read, but if I had my choice to-day, I should much rather be alone; and I thank God I have been kept by myself since I came to prison. I don't mean to say but that I should sometimes have liked to have had another to speak to, but I would rather be alone than with

five or six more, and would rather be alone altogether, than have one with me, unless I could choose who it should be. I know that when I came I was most ignorant, and a very wicked man; I knew nothing about what was good; I don't mean that I ever stole anything before, but I used to drink and break the Sabbath, and lived as though there was no God, no heaven, nor hell, or either, and I am sure I should have been damned if I had gone on so. I bless God for what I have learn, I could not have done so if five or six had been with me, and I could not have prayed to God to forgive me then as I have done; and if I had shed tears then as I do now, they would have made game of me. I often think what a blessing it will be for my poor children that I have been brought here, if I should ever be at liberty again, and I wish I had been brought here twenty years ago for their sake."

This criminal has been nearly twelve months in prison. He has given much evidence of sincere repentance. His conduct has been so satisfactory as to induce me to admit him to the Sacrament of the Lord's Supper. He has learnt to read and write, and can now repeat the Gospels of St. Matthew and St. John, besides several chapters of the Old Testament.

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T. N., Reg. No. 311.—A boy 17 years of age, whose father had been several times in prison. Whilst drinking at a beer-house, which he often frequented, he proposed (to No. 312) to commit the burglary for which he was apprehended. The above question being put to him shortly after his committal, he replied, "I should rather be amongst others—time would pass quicker—and if they were bad, there is no reason why I should be." Subsequently before his trial this boy gave evidence of contrition; he then expressed his thankfulness for having been kept alone, giving as his reason—that he had read and learnt much of his Bible, which he could not have done if in bad company. He confessed his guilt when arraigned, and his behaviour since has been praiseworthy.

He could read but imperfectly when committed, ten months' since, but has now learnt to write, and can repeat every chapter of the New Testament, as far as the Epistle of St. James.

T. S., aged 17, Reg. No. 312.—The companion of the former criminal, and the victim of his enticement. Father honest and respectable, for neglecting whose advice he often reproached himself. Acknowledged his guilt, and shewed much penitence very soon after his committal. "I am very glad that we were found out, because I know that I should have gone on from bad to worse if we had not been. I am very glad that I have been kept apart here in prison, and I wish to be till I go out. I have learnt a good deal, and I hope I repent and pray to God, and I am sure I shall always be thankful to God for having been brought here."

Subsequent conduct most satisfactory. Committed to memory several chapters of the Old Testament, and the whole of the New Testament as far as the Epistle to the Ephesians.

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J. A., aged 31, Reg. No. 325.—A most hardened and depraved offender, charged with poaching at night with a gun, &c., and had been *six times previously convicted*. "I should like to be with others, 'tis much more pleasant; though I must say I think 'tis better for me to be alone. I never learnt so much when in prison before as I have done this time."

This criminal when committed could not repeat the Lord's Prayer, although he could read and was intelligent. He learnt several portions of Holy Scripture, and incorrigible as he at first appeared, yet showed some proper feeling before his trial, when he was acquitted.

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J. A., aged 21, Reg. No. 132.—Committed for highway robbery. "I am very glad now that I was not put with any other prisoners when I came in. I have learnt a good deal which I don't think I should have attended to if I had not



been alone. If I had my choice to be alone or in company here, I might perhaps say 'with others,' but when my time was up, I am sure I should be sorry for it. Indeed, I think upon second thoughts I should say 'alone,' for I can see it would be best for me."

This criminal was confined five months before his trial, and one month after conviction. During this time his conduct was good, and he committed to memory the four Gospels, the Epistle to the Romans, and several chapters of the Old Testament.

J. F., aged 20, Reg. No. 133.—The companion of the former; a hardened profligate. "I should like to be with others because the time would pass quicker, but I think it is a good thing that I was not put with them at first, because perhaps I should have become more wicked; and I don't think I should have learnt to read, what I mean, I don't think I should have looked after that so much; so that I am glad now that I was put by myself at first, and I don't so much mind it now I am got used to it."

The profligacy of this criminal had apparently enfeebled his mental powers, he however learnt to read and shewed signs of repentance.

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J. Y., aged 29, Reg. No. 367.—Charged with stealing £80 from a dwelling-house.—Had been twice before in prison, but could neither read nor repeat the Lord's Prayer when committed on this charge. "I am *very thankful* for having been kept *alone* since I was committed; I was leading a bad life, and this has brought me to my senses, so that if I get out of my trouble, it will have done me more good than if any body had given me £100. I would rather be alone before my trial if I had my choice; I can learn to read and think about what is right, and I have done so more during the month I have now been in prison, than I should have done in 12 months, if I had been in a ward, like I was before.

*Most men get worse instead of better when put in gaol together, for what wickedness one don't know another teaches."*

Learnt to read, and shewed much proper feeling during an imprisonment of about three months before trial, when he was acquitted.

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T. P., aged 25, Reg. No. 365.—Committed with No. 367.—An ostler at a public-house. Very intelligent, but hardened, depraved, and of most dissolute habits. *Had been four times previously in prison.* "I should like to be with company, 'tis more pleasant, to be sure not for the good one gets for 'tis very often that one or another is *talking about what is not fit to be heard.* A man can improve his mind more by himself—he reflects and gets more good by himself."

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T. V., 32, Reg. No. 368.—Committed to give evidence, &c.—Very intelligent, but of dissolute habits, and had been *four times imprisoned for poaching.* "My inclination, like that I think of every other man, would lead me to wish to be in society, and I should like sometimes to be with others now. Of all things, I think for a man to be always alone would be most dreadful. I am sure, however, that 'tis a very good thing for me that I have been alone, and *when I get out I shall often go down upon my knees and thank God for having been brought into trouble. When in company a man doesn't think like he does when alone. Most of my past wickedness I should think has come into my mind, and I have thought upon my folly, and been very sorry for it.*"

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G. B., 30, Reg. No. 388.—Charged with felony; had previously been confined in — prison 12 months, and was brought from thence to this gaol.—"I would rather, very much rather, be alone than with others. I was in — gaol seven weeks before trial, and it was horrid to hear the discourse of the prisoners; and if a man was disposed to

read, or think about what was good, he could very seldom do so. If I were to have my choice to-day about being alone or in company, I would very much prefer being alone in my cell; whilst I was with others I certainly liked that very well, because I did not know the difference; I didn't feel *that* evil, or know the good of being alone. I think that if I had been asked when I came in, I should have wished to be alone, because there was not only a great deal of what was most wicked, but so much of *ill-will amongst prisoners*;\* but I am sure that *now I very greatly prefer being alone*. If a man had any desire for what was right he was only laughed at, and it was *shocking to think how men corrupt one another*. I remember particularly a boy about 16 years' old being with us about six weeks before trial for killing a duck with a stone, which he afterwards took away and hid, because he was afraid of its being seen. *The boy was a steady well-behaved lad, and never swore for about a fortnight after coming; but before his trial he used to surprise us by the way in which he swore and told lies, and seemed one of the worst amongst us.*"

The prisoner was convicted and sentenced to 12 months' imprisonment. His conduct has been very pleasing. He continues to speak with much thankfulness of the provision made for his mental and moral improvement. He has repeated portions of the Old Testament and nearly the whole of the New Testament. The pitiable victim of prison contamination referred to, has become an abandoned profligate;

\* A nobleman from a distant county in which an effort is made to introduce the Separate System of prison discipline, visited our gaol this day (Oct. 28) and hearing from this criminal and others some description of the horrible and fiend-like dispositions and practices which prevailed amongst associated prisoners, he observed to me—"IT FORCIBLY REMINDS ME OF HELL, WHERE ALL ARE VILE, AND ALL SEEK TO GRATIFY THEMSELVES BY TORMENTING THEIR FELLOWS." How just the comparison, and how truly shocking to humanity that any man on earth, however guilty, and much more that any man whose innocence is presumed, should be subjected to the companionship of those exclusively, who are "foolish, disobedient, deceived, serving divers lusts, living in envy, hateful and hating one another."

he has been re-committed to this gaol within the last month, and at present gives little hope of being reclaimed.

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G. H., 31, Reg. No. 391.—Charged with felony and had been *four times* previously in prison. *His father transported for sheep stealing.* “I should like to be with other prisoners, because I now fret so much about my wife and children, and company would put the thoughts of them out of my mind, but I do think 'tis best for myself to be alone, for I pray to God now to forgive my sins more than I did before, or should do now if many were with me.”

This most unpromising criminal was the subject of much remorse, and gave some hope of improvement towards the close of his imprisonment. He was acquitted at his trial.

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R. W., 31, Reg. No. 404.—Charged with felony.—An habitual drunkard, and most vicious character.—If I had been asked *when I came in*, whether I would wish to be put with others or be alone, I should have said *to be with others*; but if you ask me what I wish *now*? I say I should *much rather be alone* all the rest of my time in prison. I can read and do what I like, and nobody interrupts me; and I think 'tis a good thing that I have been alone; I have thought a good deal about my sin in drinking so much, and I have determined against it for the time to come; and if it was only that one good had come of it I should be glad that I had been so much by myself.”

This man was convicted and sentenced to two years' imprisonment. His general conduct has been good. He could read and write when committed. Has learnt considerable portions of Holy Scripture.

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I. H., 30, Reg. No. 409.—Charged with felony.—Had been before in prison for a similar crime.—“As I can't be with my wife and family I should sooner be alone. There is no good to be

got by being with others in a gaol; they only entice one into further wickedness; *I am learning to read now, but I am sure I didn't learn any good before.*"

This criminal was sentenced to three months' imprisonment; during which time he learnt to read, &c., and gave much hope of reformation. I have visited his home since his discharge, and found that he was industrious and sober. The gratitude expressed by his wife for the change effected has been most pleasing.

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W. B., 28, Reg. No. 429.—Charged with felony, having been *three times* before convicted, his father had been convicted of felony. Of most dissolute and depraved habits. "I should like to be with others, because the time would not hang so heavily; we could amuse one another, though to be sure we could not read much. I have learnt more in one week than all the time I was in prison before, and I do think 'tis better for a man's soul to be alone."

This criminal was convicted and sentenced to transportation for 14 years. During his imprisonment of three months he shewed many pleasing signs of contrition.

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G. A., 17, Reg. No. 457.—Parents very respectable agricultural labourers; charged with stealing a watch. The theft was evidently committed on the impulse of the moment, the article being exposed and the temptation irresistible. The culprit never attempted to conceal his guilt. "I think 'tis a good deal best for me to be by myself, I can read and attend to things better than as though I was with others. Amongst wicked men there must be a great deal of wicked talking, and if I may be alone whilst in the prison I wish to be. *I have been quite enough in bad company, and that has brought me where I am, so I don't want to be with that any more.*"

I have received most gratifying accounts of the good conduct of this criminal since his discharge.



F. W., 20, Reg. No. 461.—Charged with felony. Had been previously convicted of a similar offence, and had been liberated only three weeks. "Through the first week it was lonely, but *when I took to reading I didn't so much mind being by myself. I am quite sure 'tis a good deal better for me, I do learn something good now, but when we were altogether in gaol I learnt more wickedness in those three months than in all my life besides.*" This prisoner could read and write when committed, and was generally intelligent, yet ignorant of religious truths and could not repeat the Lord's Prayer. During a short imprisonment he committed to memory two of the gospels, and other portions of Holy Scripture, and shewed much proper feeling.

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I might add to these the replies of many other prisoners who desired to be in custody alone, and who gave reasons similar to those described, but I presume that the foregoing must be sufficiently conclusive. I have felt it right to give the answer at length of every criminal who objected to separate confinement, and it will be observed that these were offenders of the most vicious class. Truly to have associated such with those who preferred separation would have been inflicting an injury on the latter beyond all human compensation.

## CHAPTER V.

IMPORTANCE OF REPORTS FROM BERKSHIRE PRISON.—ATTENTION OF MANY ATTRACTED.—CHARACTER OF SUBORDINATE OFFICERS.—NUMBER OF PRISONERS COMMITTED IN 1846.—CAUSES OF CRIME.—WANT OF EDUCATION.—IGNORANCE ESPECIALLY OF RELIGIOUS TRUTHS.—DEFECTIVE INSTRUCTION IN WORKHOUSE SCHOOLS.—CONTAMINATION IN UNION WORKHOUSES.—INFLUX OF RAILWAY LABOURERS.—BEERHOUSES.—VAGRANCY.—OFFENCES COMMITTED BY VAGRANTS ON SUNDAY.—JUVENILE OFFENDERS.—CHILDREN OF CRIMINALS.—EXCESSIVE ALLOWANCE OF FOOD.—PRISONS PREFERRED TO THEIR PARENTS' HOME.—EXAMPLES.—SHORT IMPRISONMENTS INEFFECTUAL FOR CORRECTION AND EXPENSIVE TO THE COMMUNITY.—THE DISCIPLINE PROVED REFORMATORY WHEN TIME FOR TRIAL IS AFFORDED.—PLEASING TESTIMONY.

## REPORT—MICHAELMAS, 1846.

ANY Report of a Christian Minister concerning hundreds of immortal souls which have been committed to his charge, over whom it has been his duty to watch, and respecting whom he must give an account before an infinitely high tribunal, must be a task of solemn interest. It is one which I hope I never have entered upon, and God forbid I ever should, without a sense of awful responsibility. But if in years past I could not regard the duty with the indifference perhaps suited to any act only of con-

sequence because required by law or custom, yet never have I felt the task to be one of such serious importance as at the present time. The noble example which you have set to other counties of England, and to the various nations of the world, in first adopting a system of Prison Discipline most benevolent in its purpose and most happy in its effects, excites the attention it deserves, and, distinguishing Berkshire above other districts of the kingdom, attracts numberless visitors from our own and distant lands. Momentous consequences must result from this honourable distinction; for we cannot be insensible to the fact that upon the success or failure of our plans must depend the welfare or the woe of thousands of our offending fellow-men.

In obedience to a desire expressed by many Magistrates, it was my duty to publish the Report I had the honour to read at the last Michaelmas Sessions. I was subsequently persuaded to enlarge that publication, and to give a more full account of the plan of criminal treatment, so evident an improvement on the past, and which promised to be, and had then given some proof of being, really corrective. With the consent of several Magistrates I felt bound to dedicate that work to those who had just adopted a system so humane and just. Allow me at this time to thank you for the very kind manner in which you have been pleased to show your approval of that humble effort to remove prejudice, and to promote the extension of Separate Imprisonment; next to

your approbation I value the many pleasing testimonies I have received from Magistrates of other counties, which encourage a hope that the effort has not been unsuccessful.

I have also felt it my duty to prepare a short "Tract for Prisoners on their Discharge," which has been approved and published in a cheap form by the Society for Promoting Christian Knowledge.

In the endeavour to discharge my duty during the past year, I have superintended the efforts of the schoolmaster, which have been remarkably successful. The plans of instruction before described have been continued, and the mental improvement of our prisoners has been equally satisfactory, and only less surprising because longer observed. No instance of mental derangement has occurred, although some inmates of the prison had been previously insane, and the near relatives of several were so afflicted. And whilst the mental faculties have been improved, it has been my most earnest desire that moral and religious principles should be imparted, I have, therefore, sought, both by private admonitions and more public instruction, to render imprisonment a means of lasting amendment.

Feeling confident that the success of our discipline must depend greatly on the character of the subordinate officers of the prison, I am happy to report most favourably respecting them. I hope there is scarcely one amongst them whose conduct is not habitually regulated by moral and religious princi-

ples ; hence their demeanour is most respectful, and their strict performance of duty most praiseworthy. The kind but decided manner in which they enforce the rules of the establishment tends much to promote the correction of its inmates. I cannot give a better proof of the estimation in which I hold these officers, than by stating that every succeeding month I feel much satisfaction in admitting two thirds of their number as, I trust, meet partakers of the Holy Communion.

A reference to the Tables\* will shew that 657 prisoners were committed during the last twelve months, being 29 less than in the foregoing year. Of that number 297 had been previously in custody, either in this or other counties, as shown by Table No. 7, and of these 76 had been before subjected, I will not say to the discipline, but to some imprisonment in our new gaol, a circumstance to which I shall again beg your attention.

It is gratifying to observe this further decrease in the number of committals ; yet, considering the system of discipline pursued in our gaol, how powerfully it operates in deterring the ill-disposed, and how calculated it is to correct the guilty—I feel convinced that but for some causes, which my in-

\* It has not been thought advisable to enlarge this work by the republication of the Tables here referred to. They are given in detail in the Report of the Select Committee of the House of Lords on the execution of the Criminal Law ; and very nearly resemble those appended to the Report for 1845.



tercourse with prisoners has enabled me to discover, and which, therefore, it will be my duty to submit for your consideration, the diminution would have been to a far greater extent.

Foremost of these causes we must describe the want of education. Of 631 persons whom I have examined on this point (the prisoners not thus examined are those out on bail, and some who were but a few hours in custody) during the past year, 236 were ignorant of the alphabet, and 204 entirely unacquainted with the first principles of the Christian faith. Possessing that liberty which is the birthright of man, and all the vicious propensities which he more surely inherits, the offences committed by these culprits have been the natural and almost necessary consequences of neglect.

But a greater number had received some measure of instruction, yet so wretchedly defective had been the character of their education, that for restraining vice, or directing in the practice of duty, it had been altogether inadequate. Children—or still childish men—have learnt to read and write, but they have not learnt to think about or to understand anything which they have been taught. Words are to such mere sounds ; they are not signs. The ear has heard them, and the tongue has learnt to give utterance to them, but the mind has received no ideas or impression from them. Hence these criminals have no realising sense of any important truths which it is supposed they have been taught, and consequently,

although acquainted with terms, they remain ignorant of motives. Conscience, indeed, once whispered approval, or condemned, but its voice has been stifled, and it has ceased to warn. Thus, men who might be, and, if properly educated, would have been rational, really live without intelligence. Their very liberty is a curse, because their lusts are unbridled ; neither reason nor religion curb them. Most lamentable indeed it is that even the criminal population of a Christian land should show a proportion of one third strangers to the very first truths of our holy religion, yet the tables I have appended prove that in this county ignorance prevails to this deplorable extent. I do not presume to suggest better plans of instruction, or those means of training according to moral and religious principles which must be combined with the teaching in order to constitute sound education ; yet there is one partial remedy within reach to which I feel bound to refer. Our criminals are for the most part paupers, and many, as it will be my duty again to mention, have been the committals from our workhouses. To numerous inmates of our prison no opportunity of obtaining knowledge has been afforded, excepting that which our workhouse schools have furnished. The importance, therefore, of providing suitable schoolmasters, and of imparting the needful instruction in those receptacles of our poor, cannot be overstated. There are, I know, exceptions, both as respects the persons employed and the plans

pursued ; but, as one preventive to vice, I have had sad and convincing proof that great changes are required.\*

In proceeding to describe, as it is my duty, circumstances which I have found to be the occasion of crime, I thankfully avail myself of the opportunity of yet further addressing you, not only as magistrates who have punished the offenders placed under my spiritual charge, but as, *ex-officio*, the most influential GUARDIANS of the poor, an honourable designation, which, however unsuited to the character and conduct of many, as respects yourselves, I am happy in knowing, it is your desire should denote, not only the preservation of the honest poor from want and distress, but likewise the protection of their minds and morals. Well may we congratulate the county and the kingdom that the penal establishments which are exclusively under your jurisdiction have been subjected to a

\* When Lord Lansdowne brought forward the government measure of education in the House of Lords, February 6th, 1817, he observed—" With regard to those schools already established in the *workhouses* of this country, there have been special grants. These schools were placed under the inspection of persons appointed to see properly carried out the objects for which the large and liberal grant of the last session was voted. *Instead of these schools being models of virtue and excellence, he was afraid that they had hitherto, in many instances, been models of everything that was defective, and were rather calculated to deter children from receiving their education, than to encourage them to enter them.*

reform which has converted them from schools of vice into real Houses of Correction ; but you must allow me to assert with confidence (for careful investigation has convinced me) that the place of those once demoralizing institutions is now supplied by some of those establishments which, as they are intended for the relief of poverty, ought certainly to be preventive of crime. The revolting statements made to me by some prisoners respecting the vicious intercourse of the workhouse, to which they ascribed their misconduct, has induced me to make inquiries, and to visit some of these scenes of demoralization, and although I have not found, in all cases, that the particular assertions have been correct, yet I have learnt and witnessed enough to convince me that, if no other source of moral corruption existed, the polluting converse allowed in our workhouses is alone sufficient to fill the cells of our prison. Of many evils I mention one ; and would respectfully ask, what plan could the most subtle adversary of all purity devise to ensure rapid contamination, which should be more suited to effect the cruel purpose than that of associating with other females those notorious as having debased themselves to the lowest depths of prostitution, and others whose oft-repeated crimes, if they would for a time avoid the prison, force them to the poorhouse, because none will employ them, there to pass the time in filthy and defiling conversation, which would otherwise be spent in foul misdeeds, and to talk

about and instruct others in the perpetration of vices from the practice of which they are themselves for a time restrained. My observation has convinced me that depraved and profligate characters of this description live in a state of constant excitement. The proverb is still true which describes them as “like the troubled sea, when it cannot rest, whose waters cast up mire and dirt.” The disquietude and impurity of their mind must find vent in words if acts be forbidden ; if the present gratification of their vile passions be prevented, they seek pleasure in recounting the past, and in tempting others to indulge the like. To accomplish this, what opportunity more favourable could be sought for than that which is so culpably afforded, whilst the masters and matrons of our workhouses are compelled to place all the able-bodied paupers, from sixteen years of age and upwards—the innocent and the most vile—the virtuous and the most depraved—in one common apartment, and in one promiscuous company. I purposely speak of these officials as enforced, because I have found them alive to the evil, and lamenting that the law should permit, or the want of space within their buildings should compel them to pursue a system so demoralizing and disgraceful ; and I am bound to add that in one or two instances, with the sanction of authorities, they have made most praiseworthy efforts to avert consequences so easily foreseen, but most difficult for them to prevent. The consideration of circumstances such as those



referred to may prepare for the statement of a fact which might be otherwise amazing, that of the diminished number of criminals committed during the last year, not less than sixty-eight have been sentenced to imprisonment for offences in a work-house.\*

\* Although I hope the majority of the masters of work-houses in this county are respectable and intelligent men, who lament evil consequences, which they have not power to prevent; yet, as respects this class in general, I am too well assured of the truth of the annexed evidence. I feel convinced that many offences are induced by the irritating language and ill-judged severity of men who are not qualified either by education or habits of life to be entrusted with the government of their fellow-men. An Inspector of Prisons of much experience observes—"And this feeling (less disinclination to go to prison again) has been very much increased by the bad management of the union houses in this country, which has forced itself upon my observation. I have scarcely met with a single prisoner who would not prefer going to prison to going to the workhouse; and I attribute this, in a great measure, to the inferior description of persons who have been placed in the situations of masters in the workhouses. If we cast an eye to penal establishments we see placed over them half-pay officers and men who have moved in a superior rank of life, and who know how to govern men, not alone by physical but rather by moral means; but if you take the person who is generally employed as the master of a workhouse, you find him, in the majority of cases, to be one of inferior standard, who really knows no better how to govern men, than he does—I may almost go to the length of saying—how to govern dogs. These are facts which have struck me very forcibly, and I think that the demoralizing effect upon the humbler class in general has been very great indeed. What can be

A reference to the general statement of the year will show that the offences have been of a comparatively light description, and numbers of them such as may be traced to accidental circumstances. It is true that employment throughout this county has been generally abundant, and, perhaps, on that account a diminution in the number of committals may have been expected. This decrease has occurred as respects those crimes which may be supposed to proceed from distress consequent on want of occupation. Thus the offences against the game laws, and against property in general, bear a less proportion to those against the person than in former years. Reason suggests, and experience proves, that amongst the uneducated, who being destitute of moral and religious principles, are governed by their passions, the high wages which lessen the temptaworse than to hear prisoners say, 'We would rather ten thousand times be in a prison than in a poor-house;' it is a growing evil at the present moment."—*Evidence of Captain Williams—Committee on Execution of Criminal Law.*

"I heard the evidence of Captain Williams on the subject of workhouses and their regulations, and I entirely agree with him, in the character of the persons who have the management of them. I have endeavoured to impress upon all persons whom I have spoken with upon the subject, that in order that men and women might be properly governed they should be governed by people of intelligence and mind; but the persons who have the management of workhouses are generally persons unfit for the management of them. Of course there are exceptions to this remark.—*Evidence of G. L. Chesterton, Esq.*

tion to steal, do but enlarge the means of self-indulgence. In every district, and at every station where labour is provided, the beerhouse is erected ; in that the earnings are often paid, and as rapidly spent ; there strong drink inflames, and violence succeeds. So commonly indeed do prisoners ascribe their misconduct to the temptations and contamination of those nests of iniquity, that it may be feared increased prosperity will but engender and nourish crime, whilst they are suffered, as at present, to pollute the land.

The lines of railway now forming in the county, and the consequent influx of railway labourers, a large proportion of whom are not only most ignorant, but men of dissolute and depraved habits, whose bad conduct has obliged them to forsake their homes, has been another cause of crime. Such an accession to our criminal population, tending to the decrease of offences elsewhere, must in proportion lengthen the calendar of this county. The number of committals from this class has not indeed been very great ; but the indirect evils produced by them are incalculable. They are addicted to drunkenness, Sabbath-breaking, lewdness, and general debauchery,—vices which are most demoralizing to a neighbourhood, because most infectious ; and many of the crimes committed by our native peasantry have been traced to their intercourse with these ignorant and most sensual men who sojourn amongst them.

Hitherto but little has been done by way of instructing, and thus restraining this vicious class; but I have felt pleasure in uniting recently with the parochial clergy of this town in the endeavour to obtain some provision for their spiritual wants; and I trust that, ere long, suitable means will be supplied. For this purpose the railway company have contributed £50, and additional subscriptions will be thankfully received.\*

That the statement of the year does not show still further decrease in the number of commitments for vagrancy, I believe may also be ascribed to the abundance of labour in the county. The proportion is indeed small in comparison to former years; but such is their avowed dislike to our system of separation, that very few of the common mendicants, who at certain seasons make prisons mere places of accommodation, will now seek admission to that of Reading. These characters, who for board and lodging break windows, and commit such like wilful damage, are for the most part better acquainted with the *Gaols* of our country than with its *Geography* · hence the majority have been committed from quite the borders of the county; and several have assured me, with evident disappointment, that when misconducting themselves, “they did not know they were

\* A Scripture Reader was constantly employed amongst these men, and we had reason to believe with much good effect.

in Berkshire, or they would not have done so.”\* But the legal term of vagrancy is very comprehensive, and many who have been attracted with the hope of immediate employment, not having been successful in obtaining it, have been tempted to pilfer, and have then been punished upon a summary conviction, which has caused them to be enumerated in that class.

\* I extract from my journal the observations made by one of this class recently committed from Hungerford. They shew that these criminals are not only acquainted with the general system pursued in prisons, but with particular circumstances of their government, &c. The dietary at Reading gaol is on the most liberal scale, and but for the deterring influence of the strict seclusion, would prove most attractive to vagrants. This liberal allowance is well known, and no doubt weighs with some of them against the privation of intercourse. The prisoner by whom the following statement was made, was I believe at the time he offended in great distress. And I may remark, that although the mistaken charity of many enables our vagrant population often to indulge themselves in a manner unknown to our more deserving stay-at-home labourers, yet there are times when they endure severe privation, and I have known many cases of desperation in which the refuge and coarse fare of a prison has been sought. The following is the statement of one in such condition:—“I broke the windows to get sent to prison, for I had nothing to eat, but I had no thoughts of getting here. I did not think I was in this county for I had often heard of this prison in London and in Buckinghamshire, (the prisoner had been confined in the gaols of Brixton, Aylesbury, Devizes, &c.) I had heard men say the food was very well here, but they did not like the strictness, and being alone. I thought I should be sent to Devizes gaol



The frequency of offences committed by vagrants on SUNDAY excited my attention; and on inquiring I found that the destitute who lodge in our workhouses on Saturday night are sent out, in some cases without a morsel of food, early on Sunday morning, to make their way to the next Union. Whether this does not exceed what may properly be a Sabbath Day's journey may be a question of some importance; but there are evils which must certainly attend upon, and should lead to the discontinuance of such a practice. The hungry wanderer is thus tempted, if not compelled, to violate the law, either by begging on his way, or by some more flagrant offence. The Sabbath is, to say the least, desecrated and mis-spent, and the delinquent must thus necessarily become more depraved. To one board of guardians I have felt it my duty to protest against the evil, and to suggest the propriety of allowing the vagrants to remain during the Sunday, but I was informed that the permission was not granted in other Unions, and that the want of room in their workhouse prevented such an indulgence, without associating these strangers with the parochial inmates of the place. The inexpediency of allowing such intercourse must be acknowledged; but as the evil complained of is

from Hungerford, and I would rather go there than to the workhouse. And I would sooner go to Aylesbury again than go to the union-house, and I know a good many more would, but they won't when the new gaol there is finished, for that is to be like this."

great, other means of preventing its continuance should be provided.

It is painful to observe a continued increase in the number of juvenile offenders. It will be my duty to refer to one circumstance connected with our penal system, which may in some measure account for this fact. But with reference to this class in general, allow me to repeat what I have before stated, that I believe no prison discipline will effectually and permanently reclaim youthful criminals, so long as they are compelled, when discharged from custody, to return to their ignorant and depraved parents, who either have not discretion enough to control their vicious propensities, or perhaps more frequently encourage a return to crime. The sixth of the tables I have appended shows the very important fact, that of the sixty-four prisoners committed under sixteen years of age, twenty-eight, nearly one half, were children of criminals, either one or both their parents having been convicted. Surely such a statement must excite an earnest desire for some provision whereby the young may be rescued from such pernicious influence. In France, Prussia, and America, suitable places of refuge have been extensively established, and their success has proved the wisdom and repaid the expense of such a plan. The advantage of institutions of this kind is still more apparent, when it is considered that youthful culprits, if they return after a short imprisonment to their miserable homes, are almost sure to entice others in their

families to enter upon a like vicious career; hence, as proved by the commitments of the past year, crime is increased and perpetuated in families to an extent which is truly alarming.

I feel that I need not occupy your valuable time by any lengthened reference to the mental and moral effects of our improved discipline, having recently described them more fully than would be possible in an annual report; farther experience has tended to confirm the opinions I then expressed, and as respects the working of our system, I have no desire, as I have seen no cause, to suppress any statement I published. There are, however, one or two points to which I but slightly alluded in that publication, which I beg to submit for your further consideration. The merely physical condition of our prisoners might not be a legitimate subject for the comments of your chaplain; but if questionable regulations, with a view to the bodily health, interfere with the improvement of the mind and morals, or have any tendency to prevent suitable religious impressions, it becomes my duty to represent the fact, and to ask that such regulations may be the subject of inquiry. I have referred to the increase of juvenile delinquency, and shown that a large proportion of our young offenders are the offspring of vicious parents, whose self-indulgence has exposed their children to hunger, perhaps to starvation, if they would not steal. This cause of their crimes, which has rendered them very truly objects of pity,

it must also be remembered has made them most depraved ; and, with few exceptions, I have found the supposition a sad mistake, that their hearts, because young, are therefore tender and more susceptible of good. Being naturally corrupt, they have become hardened by evil counsel and wicked example, whilst they are insensible to many arguments by which those of mature age may be convinced and persuaded. Hence experience has taught me, that contrary to the general opinion, the youthful occupants of our prison are amongst the most difficult of correction. This is not true of children in general, but from the causes I have described, it is true of the particular class committed to our gaols. As these young offenders form the population on whom the future state of society must in a great measure depend, their reformation is of paramount importance, and the least obstacle in the way of effecting it I feel sure you will no sooner discern than endeavour to remove. Whilst then amidst the improvements of our penal system I am often told by young transgressors that they “ like being in prison better than being at home,” such assertions imply some remaining imperfection. The statement is either true, or the falsehood proclaims that the depraved character has not been corrected. In either case further investigation is required. This it has been my duty to make ; and the answer I have commonly received has to my own mind fully accounted both for the avowed preference and

for the absence of improvement. The sole reason assigned by several may be briefly expressed in the words of one ; “ Because I get better things to eat, and more of them.” This it may be said is almost a necessary consequence of the imprisonment of these pitiable objects, inasmuch as that health must be promoted and preserved. Admitting this, I would by no means advocate such a diminution in their diet as should constitute the privation any portion of their punishment ; an evil which would greatly counteract that corrective instruction to which their imprisonment is subservient. But whilst I plead for a sufficiency, I pray that excess may be forbidden ; and witnessing as I do, in my daily visits to their cells, that the supply of food is often not consumed, whilst, with only one exception, all the boys in our prison have become fat, some of them even become gross in their appearance, I cannot doubt but that habits of waste or of self-indulgence are induced, that mental improvement is in a measure retarded, and that moral and religious feeling is much prevented.\* Allow me to add that these

\* I have already described some cases in which this evil has been developed. (See Vol. i, 208.) I might adduce many more. When compared with the allowance of the workhouse, the better fare of the prison is a great temptation to the pauper. It is a frequent cause of committals and recommittals. I cite the following case from my Journal as some proof:—Three boys were committed on this day for misconduct at — Workhouse, one of whom was discharged only a fortnight since after a short imprisonment, having been five times subjected



remarks are only made with reference to the younger culprits. There may be individual cases in which they may apply to others ; but the remorse felt for a time by adults, and which in their case has a

to such. This was the statement of his companion, the truth of which was admitted by the culprit himself. "When — came out of prison about a fortnight ago, he said he would soon go back again, he told us so in our ward, for he would every bit as soon be there because they lived so well. When the magistrates gave him ten days, and we told him that but for us he would have had longer, he said he wanted more for he should not have enough of their beef and soup in that time."

This manifest evil is not confined to English workhouses and prisons. The following statement is attached to the evidence given by the Lord Chief Justice Blackburne (Ireland) to the Select Committee on the Execution of the Criminal Law. Referring to a case of some boys brought before the Recorder of Dublin:—"The wardmaster stated that the boys were being brought down from the union to the buildings known as the sheriff's prison, and which had been applied to the accommodation of the increased number of paupers, when the prisoners went off, taking with them the workhouse clothes. The recorder asked what object they could have in running away. The witness replied that they were of opinion they would find more comfortable quarters in gaol than in the workhouse. The court expressed surprise at this idea being prevalent. The witness said that there had been some boys committed to prison for offences, and when they came out they told their companions that they were better off when in custody. The recorder sentenced each of the four boys to one month's imprisonment with hard labour. They left the dock as if they had been engaged in some transaction that reflected credit on them instead of disgrace. Four other boys who pleaded guilty to a similar offence received the same sentence."

tendency to depress, requires, I believe, that a liberal dietary should be allowed. Many amongst them after a time become more robust; but this is found to be the case when the remorse has subsided, and has been succeeded by those better and more cheerful feelings which attend an improvement of character.

It becomes now my duty to revert to a subject on which in former reports you have kindly allowed me to express a very decided opinion. Had I before abstained from doing so when fully convinced of its accuracy, or should I refrain at the present time when proofs and experience have confirmed it, I feel that I should be unworthy of the confidence you have placed in me, and unfaithful to that Divine Master through whose Providence I have been appointed. Excuse me, if, whilst I desire to speak most respectfully, I speak very plainly on a subject of paramount concern; but as a Christian Minister addressing Christian Magistrates, I cannot desecrate my own office by doing otherwise; nor will I depreciate yours by urging other arguments than those enforced by Him who has delegated to you

The following extract from a prisoner's letter, to one of his family, which, with the approval of the Visiting Justices, I retained, is surely calculated to induce offences:—"What a good thing there is such a place as the union to go to, although people do talk so much about it, although it is not a pleasant place to be at I know, but what would you have done without it? You do have something to eat every day, *but you don't have so much as I do, by a good deal.* I live tolerable well. Don't fret about me."

power and the authority to decree justice. You will not think that I assume too much when I say that none but those who have intercourse with prisoners can estimate the probable length of time required that the desired reformation may be effected. I do not propose, as it is no part of my duty, to speak at any length on the design of imprisonment. It is a cause both of pleasure and gratitude to find that in perfect accordance with the word of God, whence all just laws derive their sanction. All our moralists, legislators, and lawyers, whose opinions we have been taught to respect, are unanimous in asserting that our criminal code is not vindictive, but that the punishment it provides is intended to be corrective and exemplary. Happily this opinion is not now confined to its high and holy source, nor to those distinguished persons, such as Paley and Romilly and Blackstone, and others we might mention ; but the gaol of this county affords a monument at the present day, and will be a memorial to our descendants, that in Berkshire, certainly, this hallowed sentiment had its practical influence on the administrators of the law. That gaol is constructed for, and adapted to, a system of discipline which is calculated both to prevent crime and to reclaim offenders. But the very appearance of the building declares that you were wiser than to have supposed that any combination of brick and stone, had it been most frightful and forbidding, could overawe or restrain men whose hearts are hard as those materials

themselves. And as you did not expect to deter the vicious by any transitory impression the outward aspect might produce, so neither did you suppose that the mere entrance to the prison cell would convert the heart or change the character. As means to effect, so far as human agency may avail, these avowed objects of our legal punishments, you have provided a prison and adopted a system which, admitting the long-proved absurdity of endeavouring to correct by mere punishment, affords many advantages for imparting that moral and religious instruction from which alone reformation can be expected. But the correction of a criminal is not the process of a moment, nor yet of a month ; evil principles have to be eradicated, and vicious practices to be restrained ; the lessons of morality and the holy truths of religion must be implanted,—this of itself must require time—there must be line upon line, precept upon precept,—and when these better principles have been implanted, who can expect that, if very soon exposed, the blasts of strong temptations shall be resisted. They must take root, be strengthened by active duties, and ripen into habits, or they will not prove steadfast. We cannot, indeed, set limits to the power and grace of Almighty God ; we know that if it pleased Him he could effect the change desired in an instant of time ; but our prison was not reconstructed or the present system introduced with any fanatical notion that miracles would be wrought within its walls or by its



means, rather with the reasonable hope that instruction in righteousness being thereby afforded, God's blessing would attend and render effectual such means of His own appointment. Now I beg you will not imagine that I presume to comment upon or question the justice or propriety of any particular sentence passed upon a criminal during the past year; but reasoning upon principles is generally more convincing if we can refer to facts; I have therefore annexed tables, showing the time for which prisoners have been committed; and having in every instance witnessed the effect of imprisonment, I feel most anxious to assure you that, in the majority of cases, either the duration of punishment appointed by the law is inconsistent with its own declared purpose, or that the short imprisonment awarded to the criminal is not in accordance with your humane intention to correct his character. It may be seen, by a reference to the statement of the past year, that of 543 convicted and sentenced to imprisonment, not less than 336 were confined for a shorter period than two months, whilst only 59 were more than three months in prison. It may be much to say that these offenders were not, as under the former system they would have been, made more vile by vicious intercourse within the prison, but something more than negative advantage is to be sought and expected from our improved discipline. If sufficient time be given, reformation may be looked for, and will commonly be effected; but if for want of time



this good hope be forbidden, the probable effect of the separate or any other system must be to render the character more depraved. Observation and careful investigation, I am sure, would convince any Magistrate that short periods of imprisonment are terms of punishment, but not generally of improvement. Thus about nine-tenths of our prisoners have been confined for so limited a time that, although each one suffered from the seclusion and from the privation of former means of self-indulgence, each felt, it may be, the bitterness of remorse, perhaps formed, as he did commonly express, resolutions of amendment, yet the short deprivation did but sharpen the desire, the remorse was not succeeded by repentance, because the punishment which occasioned it had passed before religious instruction could promote the change, and the resolutions fail because no successive acts of duty have formed the habit or confirmed the purpose. Thus the opportunity for correction is lost ; the criminal returns to his vicious companions, renewed temptations prevail, his violated vows render him more depraved ; conscience indeed has been aroused and reproves him, and he has learnt enough to feel himself degraded ; but his separation from evil has not been long enough to produce aversion from it, nor has he sought for or secured the strength whereby his vicious desires might be subdued. Hence, by recourse again to self-indulgence he drowns reflection, and contrives to banish all sense of shame. Thus

the probable effect of an imprisonment, which might have reclaimed him, is to make him more vile than before, and almost to ensure the repetition of crime. The purpose fails, and is followed by adverse results ; not from any defect in the system itself, but solely, I am persuaded, in very many cases, because the time for its corrective operation is insufficient. That I do not hazard any merely speculative opinion on this painful subject, or describe only imaginary consequences, we have sad and equally certain proof in that not less than seventy-six prisoners before in separate confinement have been re-committed during the last year, a number which, though large, does by no means exceed what I long since took the liberty of saying must be expected, and which I feel confident must increase every successive year, so long as the practice of sentencing offenders to such short imprisonments shall be pursued. With reference, however, to these re-committed prisoners, allow me to add, that considering Magistrates in other counties and in other countries regard your prison discipline as a great experiment, upon the success of which depends, I repeat, the temporal and eternal welfare of thousands, and knowing, by the frequent inquiries made of me on the subject, that the number of re-committals is the test by which very many estimate the value of the system, I must deprecate most strongly the forming any opinion upon the mere numerical report. I have appended the particulars of every re-committed culprit, in-

cluding the duration of his former imprisonment, his previous character, and other important circumstances ; and if the re-committals be received as evidence at all, I pray that the judgment may not be founded upon a cursory glance at the bare statement, but upon careful investigation of the analysis given. By the tables prefixed to that description it will appear that of those re-committed prisoners sixty-one had been before in custody less than three months, whilst only ten had been confined for a time exceeding that period.

I must also remark, that on examination it will be seen that scarcely one of those ten could be selected as a fair subject for the trial of any penal system.

Suffer me, then, to express a hope that the day may ere long arrive when the shortest imprisonment shall afford time for improvement, when moral delinquency shall be visited with a penalty which may allow time for the defect to be supplied ; when crime shall be looked upon as indicative of a character requiring correction, and when the sentence shall, in every case, be such as to make it possible for the professed object to be obtained, when in short every committal to the *House of Correction* shall be really for the expressed purpose of *correcting*.

None, I hope, will think that whilst my experience as your prison Chaplain, has taught me much concerning the ignorance and general depravity of

prisoners, and the probable time needful for their correction, my constant intercourse with them has rendered me unfeeling towards them ; I trust a contrary effect is every day produced and increased. I pity them, and pray for them ; I devote myself to them, and would earnestly plead for their welfare. I do not stand up as the advocate of severity, but of mercy towards them. But mistaken clemency may be more sad in its effects than real cruelty ; and you will forgive me if the deep interest I feel in our criminals, and my earnest desire for their present and eternal good, prompt me to declare my firm persuasion, that if on the former conviction of many who disgrace our calendar at this time the principle of correction rather than of mere punishment had been acted upon, the repetition of crime would have been prevented.

*“ Principiis obsta ; sero medicina paratur,  
Cum mala per longas convaluere moras.”*

Permit me also in passing to remark, that although the prisoners are the parties most deplorably injured by these short commitments, yet society must also suffer from them. The criminal once convicted, if not reclaimed, most surely will become the companion of thieves, both property and person become less secure, and repeated prosecutions and imprisonments entail additional expense.

In concluding a Report, for the length of which I trust the importance of its subjects may be accepted as an apology, although it has been my painful duty



to refer to circumstances which I am sure have prevented a more remarkable decrease in the number committed, yet the pleasing task remains of assuring you, that as respects the criminals who, from more lengthened imprisonment, have been really subjected to our discipline, the results are highly satisfactory. Without claiming more than is willingly and almost unanimously conceded, I do assert that the system has, by God's blessing, produced an effect surpassing the reasonable expectations of the most sanguine. One or two officious and ill-informed men, strangers to your county, and but little qualified to appreciate the humanity, wisdom, and justice of your plans, have presumed to misrepresent your system, to calumniate those who superintend its operations, and to reproach yourselves. But with those who surround us, who are best acquainted with our proceedings, and observe what they accomplish, prejudice has given place to approval; complaints and expressions of distrust have been silenced, and have been to a great extent, I hope will be entirely, succeeded by gratitude and confidence. Respecting many of our discharged criminals, very gratifying have been the reports I have received from Magistrates, Clergymen to whose parishes they have returned, and from their present employers. Several I have myself visited, with others I correspond; and from these various sources I continually derive satisfaction, and much encouragement in the performance of duty. Sufficient time has not yet



elapsed to prove the stedfastness of a very large proportion ; but several whose conduct had been most vile, and whose characters were pronounced desperate, have been corrected, have resisted temptations too strong for us to estimate, and still persevere in a course of honesty and uprightness. Praying, and in the diligent use of the means you have provided, expecting that by God's blessing the number of such shall increase,—

I have the honour to be, &c.

To the Magistrates  
of the County of Berks.

## CHAPTER VI.

SPREAD OF THE SEPARATE SYSTEM.—RELIGIOUS EDUCATION PREVENTIVE, BUT PRISON DISCIPLINE REMEDIAL.—COMMITTALS IN 1847.—CAUSES OF INCREASED NUMBER.—DEFECTIVE EDUCATION.—OFFENCES IN WORKHOUSES.—POVERTY OF CRIMINALS.—INCREASE OF VAGRANCY.—RELUCTANCE OF PROSECUTORS LESSENED BY IMPROVED DISCIPLINE.—JUVENILE DELINQUENTS.—NECESSITY FOR PROTECTING THEM FROM VICE AFTER IMPRISONMENT.—ACT FOR RECOVERY OF SMALL DEBTS.—ITS BENEFICIAL EFFECTS ON THOSE CONVICTED UNDER ITS PROVISIONS.—SHORT IMPRISONMENTS DEPRECATED.—THEIR EFFECTS IN SCOTLAND.—PRISONERS RECOMMITTED.—THEIR FORMER IMPRISONMENT UNDER SEPARATE SYSTEM VERY SHORT.—HAD BEEN RENDERED INCORRIGIBLE BY FORMER ASSOCIATION IN PRISONS.—SATISFACTORY EVIDENCE AS TO CORRECTIVE EFFECTS OF SEPARATE SYSTEM PROPERLY CARRIED OUT.

## REPORT—MICHAELMAS, 1847.

THE duty which at these Quarter Sessions is incumbent upon me of presenting you with my annual Report, describing the result of another year's experience, as the Chaplain of your County Gaol, is one which I approach with a very greatly increased sense of its importance and responsibility. To a Christian Minister the circumstance of being called upon to give account of several hundred im-

mortal fellow-creatures, who have for a season been committed to his spiritual care, does of itself suggest reflections of overwhelming interest. But without farther reference to feelings peculiar to the Ministerial office, which I have the honour to hold, there are causes which enhance the importance of any report issuing from your county gaol, which, as Magistrates I am sure you will appreciate.

More than three years have now elapsed since you abandoned the penal treatment, which by associating your criminals, ensured demoralization, and rendered future offences almost certain ; at the same time you rejected other systems of imprisonment, which, though specious, were unsound in principle ; and you adopted that plan of separate confinement, the theory of which was not more promising than its operations have since been successful. Great, indeed, since that time has been the effect of your noble example, and of that evident improvement in prison discipline which you first introduced as a complete system into the counties of England ; for in the prisons now erected, and in process of erection on the same principle of separation, upwards of 12,000 criminals will be ere long confined. Nor are the important effects of the example limited to our own shores. I have lately enjoyed the privilege of attending the Congrès Pénitenciaire at Brussels, and truly it was difficult to repress some feelings of pride and satisfaction when the majority of those best acquainted with the subject of prison discipline, who

constituted the representatives from sixteen different nations referred to the gaols of Pentonville and Reading, not only as the models of construction, which must be imitated throughout the world, but as affording patterns of discipline which must be universally copied.

During the past year I have been summoned to give evidence on the effect of your discipline before the Select Committee of the House of Lords, and in the course of examination I was called upon to express an opinion on various important subjects, which, though demanding attention, I cannot introduce into my annual Report. There were, however, one or two questions to which it is my duty to revert, because they involve not only the means of suppressing crime, but to a very great extent the penal treatment of the convict. The points to which I especially refer, were, first the commonly expressed opinion founded not less upon sound principles than upon the teaching of experience, that mere punishment, however severe, has not the deterring effect upon the evil disposed which has been too commonly ascribed to it, from which the necessary inference is deduced, that with the vicious the most hopeful means of preventing crime is by correcting the criminal. To prevent any offence is unquestionably better than to punish an offender, hence the importance of restraining and guiding and thus forming the character by sound moral and religious education; but at present we speak of those whose education has

been defective and has failed, who are still vicious and depraved ; and, as respects these, I would repeat the opinion, that the mere dread of punishment is a motive altogether insufficient to repress crime, and their future innocence, together with the safety of society, must be sought, and can only be secured by pursuing such penal discipline as may at the same time be a corrective process. Closely connected with the former, is the second question, which I shall hereafter beg again to press upon your consideration, and upon which a like unanimity of sentiment prevailed—namely, the general inefficacy of very short terms of imprisonment.

In my continued endeavours to promote the spiritual welfare of your prisons, I have constantly received encouragement and assistance from the superior and subordinate officers of the establishment. It is with pleasure that I repeat my testimony as to the moral and religious principles which so evidently regulate their conduct, and ensure the faithful discharge of their respective duties.

The schoolmasters have been very assiduous in their important office, and their efforts have not been less successful than in former years. The statistics of education to which I must refer, will in a measure show to what extent their exertions have been required.

I regret that during the past year there should have been a considerable increase in the number of prisoners committed, irrespective of the 40 govern-



ment convicts who have been received so lately, that I do not propose to speak of them further in my present report. Some facts which I may have the honour to lay before you, will, I believe, not only account for the increase, but excite some surprise that it has not far exceeded the number described; and it is with some satisfaction I observe that the offences for which these prisoners have been committed have not been of so heinous a character as in former years.

I have appended tables to this Report by which it may be seen that 840 have been in custody during the last twelve months, that being nearly 200 more than in the same period preceding Michaelmas, 1846. Of that number 297 had been before in custody either in this or in other counties, and of these 96 had been previously confined in your present gaol. Allow me here to say, that whilst I make this last statement with pain, it is with no disappointment. If, at first sight, it appears adverse to our present system, the impression will, I feel assured, be removed by further information.

As in former years, so during the last, I believe that ignorance, or a wretchedly defective education, has been in many cases the causes or the occasion of crime. The annexed tables shew that the illiterate, and those destitute of any religious knowledge, which could at all restrain their vicious propensities, have constituted the majority of those committed. Only 42 could read and write well, whilst, as re-

spects religious information, only 64 out of 806 had been sufficiently instructed to afford the reasonable expectation of any practical effect. Whilst nearly all had been baptised into, and professed to be members of, the Church of England, only 29—a proportion of scarcely more than three per cent.—had been further received into the church by the sacred rite of confirmation. This fact I submit to you as one worthy of much consideration, because, without insisting upon the benefits attending that ordinance, it shews in a forcible manner that few who receive the religious instruction which precedes confirmation, are afterwards found amongst our criminal population.

The number of committals from our workhouses during the previous year obliged me to refer in my last Report to the contamination which necessarily resulted from indiscriminate association of the inmates. I have since received many communications on the subject, and feel most thankful for the effect which the public notice of the evil produced. A better classification of paupers has in some cases been adopted, and although the placing together of the most base and abandoned characters, without any of the restraint which the less depraved might impose upon them, has caused some of that class to be committed and recommitted, yet it is consoling to reflect that if these still encourage each other in crime, they have no longer the opportunity of corrupting the innocent.

The distress which has prevailed throughout the country, and which has pressed most heavily upon our criminal population, whose friends amongst those capable of affording relief are few, and who are the last to whom charity is extended, has, I doubt not, contributed in some measure to the increase of our committals. Here, however, I would remark that, excepting in the case of old offenders, I have observed but very few instances in which guilt was traceable to absolute want, and I believe that seasons of scarcity and distress, though occasions of crime, do not greatly increase the number of criminals.\* The offences are generally committed by those whose characters were before bad, who are the first to suffer, whose temptations then abound, and who have neither motive nor strength to withstand them. The alternative with such is to enter the workhouse or to steal, and they decide upon the latter because detection is uncertain and self-indulgence is not immediately restrained. On the other hand, the well conducted poor receive timely assistance, and this is to such a pledge, and tends to excite confidence, that if reduced to destitution they will not be deserted.

But our own county has been mercifully preserved

\* My experience does not lead me to believe that crime is generally the effect of distress or destitution. It much more frequently is the consequence of recklessness, arising from the degradation of ignorance, and the total absence of self-respect.

—MR. BARON ROLFE.

from that very severe privation to which others have been subjected. Labour has been in some districts abundant, and wages so much raised that if provisions have been high in price they could still be purchased. Hence, I repeat, the increase of crimes has not been produced, to a very great extent, by any temptation of poverty to which our native population has been exposed. A large number of the offences have been in consequence of sensual excesses; but the great cause of the additional committals is clearly discerned in the influx of that indigent and vicious class of mendicants who will always be most attracted where most is to be obtained. Some labourers, I know, have been induced to leave their homes and to come hither from distant counties, by the hope of finding employment, and having been disappointed, their resources have failed, and they have been tempted to offend; but a far greater number have been led to this county, not only because it lies on the great road to the metropolis, whither every vagrant once at least directs his steps, but with the intention of living for a time upon the alms of a benevolent and wealthy neighbourhood. As a proof of the number of mendicants who have traversed the county, I may mention that during the last twelve months no less than 5,060 have been relieved at the Reading Union alone, whereas during the preceding year only 3,049 applied for relief. Out of such a mass of idle, often destitute because dissipated, wanderers, of whom the law too truly infers that



they are rogues as surely as they are vagabonds, and of whom 5,000 formed probably but a small proportion, since comparatively few will apply for workhouse fare, it can be no matter of surprise that 258 should have been committed to your prison—a number exceeding that of former years by about a hundred.

A considerable number of labourers have been employed in constructing the lines of railway through the county, and somewhat more than one hundred of our prisoners committed during the last year, either were at the time they offended or had been previously railway workmen. The high wages given to these men, and their improvident habits, not only occasion many crimes among themselves, but tend greatly to demoralize the surrounding neighbourhood, and so to increase the number committed.\*

The present proportion of juvenile offenders differs

\* Amongst other causes, I have described, the very improvement in our prison discipline has tended in some measure to increase the number of committals. Whilst the prison was a school of vice, the injured were slow to prosecute, juries were unwilling to convict, and magistrates most reluctantly sentenced offenders. Impunity was a less certain inducement to future crimes than the committal to prison. A brother clergyman said to me a few days since—"I used to grieve when any one of my parishioners was sent to gaol, not only on account of his guilt, but because I felt almost sure he would come out more depraved, but now I wish every evil-doer in my parish could be sent to your prison." Many other incumbents have expressed themselves in a similar manner.



but little from that of preceding years. But truly the fact that considerably more than a third part of our criminals are under twenty years of age, threatens a continuance and increase of crime unless effectual means of correction be applied. A large proportion of these are the children of convicts, who have been educated in vice, and whose permanent reformation can never be expected unless they shall be effectually separated from the vicious influence and example which their own homes present. I rejoice greatly that as respects these juvenile delinquents much attention throughout Europe is now directed to providing suitable receptacles for them. By such means, more than by any other, crime will be prevented, and these pitiable victims of parental neglect and wickedness will be rescued from a life of vice, degradation, and misery. During the last year three young offenders, two of them children of convicted parents, have been sent from our prison to the Refuge at Hoxton. One boy has been only recently removed there through the kindness of the magistrate who committed him; the other two, although taken from a family of the very vilest character, shewed signs of great improvement whilst in prison, and have since been reported as well behaved and promising. These facts induce me again to express my earnest desire that some institution may be formed in our own county, similar to that of Mettray, or Stretton upon Dunsmore, which are supported at but little expense, or resembling the establishment for pauper children

at Bridgenorth, which is not merely self-supporting, but profitable. I submit reports of these institutions for the perusal of any magistrates,\* but in the absence of such provision permit me to suggest for your consideration the propriety of obtaining admission for more of your younger culprits into some existing establishments. I bring this subject before you by the advice of a nobleman who introduced the plan, I would recommend for your adoption, into another county. In Staffordshire, in Warwickshire, and in Surrey, it has been pursued with happy results. That proposal is the payment of an annual sum to the Philanthropic Institution in London and thereby to secure a certain number of presentations to be filled up by those who may be thought by the magistracy to be most eligible.

The pleas of charity and of economy alike commend this plan to your approval. Not only may youthful criminals be thus rescued from a life of infamy leading to destruction, but the expenses of future prosecutions and of repeated imprisonments may be thus prevented and saved.

Amongst the causes which have contributed to the increase of our committals must be reckoned the change which has been introduced respecting imprisonment for small debts. Those who, either by culpable negligence or fraud, transgress the regulations of the new county courts, are not now incarcerated in the gaol occupied by other insolvents, but

\* See Vol. i. 387, et seq.

become inmates of the House of Correction, and are therefore reckoned in the calendar with other criminals. Allow me on this subject to observe, that of all the recent Acts of penal legislation the change thus effected is one of the most important, and promising to be most beneficial. I have before expressed my opinion, founded on painful observation, as to the pernicious tendency of that imprisonment to which debtors to a larger amount are still subjected. I see nothing to recommend it; but the evils attending it so many and so glaring, that I feel it my duty in the strongest terms to deprecate its continuance. As a punishment it is worse than futile. I have every day before my eyes men who choose to undergo the mis-called penalty rather than make the least effort to pay the debt for which it is imposed. I am constantly assured that the vicious intercourse of the debtors' common-room is enjoyed, whilst so inconsiderable are the privations to which its occupants are subjected, that few will submit to any sacrifice or self-denial by which their liberation might be purchased. It is, however, when by misfortune or through some venial offence, one is cast into a prison where no inducement to useful occupation is furnished, and forced into companionship which can only corrupt, there to be persecuted until that depravation has been effected, that the cruelty is apparent. The debtor is thus demoralized, and, as I have known in many cases, is afterwards committed for crime, when society suffers as a seeming

retaliation for the wrong which has been inflicted. A pleasing contrast indeed is afforded by this late amendment of the law, both as respects the conduct of the delinquents and the consequence of their imprisonment. The subjects of its penalties are generally men of strong passions, averse from reflection, and of dissolute habits, and to such the temporary seclusion, the thoughtfulness which is forced upon them, the almost compulsory self-reproach, followed by religious counsel, as it provides a punishment most suitable, so it proves most corrective. I rejoice in this further step towards the total abolition of prison contamination, and I sincerely trust that the day will soon arrive when our prison shall no longer have within its walls a ward in which improvement is impossible, but deterioration sure.\*

Recurring to the first table I have appended to this Report, I feel it is my duty again to address you most respectfully, but with much earnestness, on the subject of short imprisonments. That table you will observe, I think with some surprise, shows that only nine per cent. of the prisoners committed during the

\* It is a remarkable fact, and one which must tend greatly to confirm the remarks which have been offered, that the majority of those hitherto committed to our county gaol under the Act for the Recovery of Small Debts, had been previously in custody for other offences ; proving that the class from which these debtors come, in this county, is as criminal as that from which felons are committed. The evils, therefore, of associating them, would not be less, than those arising from the intercourse of other criminals.

past year were in custody longer than three months.

Assuming then, what I believe will be conceded by every Magistrate on your bench, that Blackstone was right when he asserted, what Paley in nearly the same words repeated, "the end of human punishments is the precaution against future offences," and that this precaution consists in correcting the criminal himself, and, as far as may be, deterring others by his example; to do which none can doubt that less than three months of prison discipline is insufficient; then the conclusion is inevitably forced upon us, that the legitimate and avowed end of all human punishments has not been attainable in 90 cases out of every 100 of those committed during the past year. As this is no merely speculative question, but one of vital interest, and practically most important, you will allow me to add a few remarks, which may confirm the opinion I have expressed. To contend that these short imprisonments do not deter either offenders themselves, or those threatening to become so from future violation of the law, would be a waste of words; to prove that these short sentences produce positive and often irreparable mischief both to the convict and to society is an easy task. If there has been any previous dread of imprisonment, that salutary feeling is destroyed when the evil-disposed have reason to expect that the punishment however severe will be short; nor is the loss of this occasionally wholesome check supplied by any better principle which proper instruction might infuse if the time were sufficient. Punishment in every case



if it fail to correct must deprave ; it takes away self-respect, destroys the character, and so degrades the convict as to place him in a far less favourable condition to encounter those difficulties and temptations which were before too strong. His relapse, therefore, as we have painful experience, is the probable and almost certain consequence. Before I proceed to show this by referring to the re-committals to your own county prison, allow me to quote a short extract confirmatory of the fact, from a Report which I lately received from the Inspectors of Prisons in Scotland. In it I find the following statement :—"At the prison of Edinburgh, where there is constantly a great influx and efflux of prisoners, and where most of the terms of imprisonment are short, the number of re-committals last year was as high as 70 per cent ; yet of 166 prisoners sent to that prison for six months or upwards in the first instance, during the last three years only 33, or 20 per cent. have been re-committed ; and similar results have been obtained in other prisons. Under such circumstances it is evident that even were the system of Prison Discipline perfect, it would be in vain to look for satisfactory results so long as the plan is persisted in of sending prisoners over and over again for short periods, without the least regard to the fact of experience having shewn, with respect to the particular prisoners thus re-committed, that their previous imprisonments for such periods had been utterly futile." p. xiii. 12th Report. And I would also here quote

a sentence from the last Report of the Committee of the Schools of Industry, at Aberdeen, of the good effected by which I presume few are altogether uninformed. That committee observes—" *So deteriorating is the influence of short imprisonments* that your committee have resolved that no child who had been subjected to them should be admitted to the benefits of their institution." The reason assigned for such a resolution is forcible, and fully justifies its adoption, "lest in endeavouring to reform one they should incur the risk of contaminating the whole school." Upon such a determination I would only remark, that it affords one of the many proofs that short sentences are as unmerciful toward the criminal as they are impolitic, expensive, and generally injurious to society.\*

\* The Committee further set forth the melancholy effects of these short imprisonments by describing the case of one out of very many, they say—"During the short period of his first imprisonment, a most unaccustomed care was bestowed upon him—comfortably lodged, clothed, and fed. The Schoolmaster, Chaplain, and Governor paid their daily visits, and an anxiety was expressed about his well-being which quite overpowered him. It was only when he was dismissed that he again found himself the same unfriended, uncared-for, suspected being he was before. But the prison was now divested of all terror, and he became its frequent inmate. Notwithstanding the improvements in prison discipline, short imprisonments did not reform; more lengthened, *after a succession of short imprisonments*, were equally inefficient, and he was soon sent abroad for his final reformation."

The subject of *re-committals* as closely connected with the foregoing, next claims attention. 297, or one-third of our prisoners, had been previously in custody either at Reading or elsewhere, but the two last Tables shew further that 96 criminals, or a proportion of 12 per cent. upon the re-committals of the year, had been before imprisoned under the Separate System. If this proportion appear small as compared with the re-committals in Scotland, still I feel that the *abstract* number, if looked at without observing the peculiar character and circumstances of the individuals who compose it, would be large enough to forbid self-complacency and satisfaction. Such is my confidence in the generally corrective tendency of our improved system, that I should be disappointed and sorry indeed if annually even 12 per cent. of those subjected to its discipline should be found to relapse. But I am thankful that, as this is really not the case at present, so neither have we reason to apprehend any such result. As I have before observed, it would be unreasonable to calculate upon the correction and reformation of criminals, under any system, in so short a period as three months. It may be effected, and under the favourable circumstances of separate confinement, through the unlimited mercies of Almighty God, we rejoice that reformation is sometimes so speedily accomplished. But humanly speaking it is improbable, and it would be presumption to expect it. It is right, then, that we should

exclude from the list of those really subjected to our penal discipline, all prisoners who were not confined for a period exceeding three months. It would be easy to point out circumstances which might sufficiently account for the re-committal of a majority of these criminals, had their former imprisonment been of longer duration—for instance, 13 were the offspring of criminals, either one or both parents having been convicted. Two-thirds of the whole number had been in prison before their first committal to separate confinement, some of them only once, but many of them several times. Many of the re-committals were for mere breaches of good conduct for which punishment was required, but which by no means denoted guilt which would warrant the enrolment of the offender in the calendar of criminals. No less than six reported as re-committed were really never liberated after their former conviction, but were detained and charged with offences of which they had been guilty before they were first brought to prison. Some were discharged on re-examination, against others in the list “no true bill” was found by the grand jury, and others were acquitted on their trials of the charges for which they had been re-committed. These circumstances cause me to express regret that some more correct method of framing the statistics on this important subject has not been discovered and adopted. Some alteration, and perhaps as much as the case will admit, I am glad to find, has been made in the returns of this

quarter, still the present plan misrepresents what may be literally true, and often creates adverse and most mischievous impressions against our system of discipline, when really, if the facts were accurately described and understood, the very contrary effect would be produced. If, then, we subtract from the reported number of re-committed prisoners, those who were not previously longer than three months in custody, we shall find that only 13 will remain, whilst of those before in prison above six months, the number does not exceed *five*. Small, however, as is this proportion, yet not one of those five was a fair subject for the trial of our discipline. Their several cases, so far from proving any imperfection in the system of separate imprisonment, will rather prove the corrupting and pernicious effect of other systems, which by their influence had rendered these prisoners incorrigible. I beg your attention to this fact as most important, *that every one of these five had been repeatedly confined in other prisons before their first committal to your county gaol*. One of them had been twice, two of them three times, one five times, and the other ten times previously subjected either to the degradation of compulsory treadwheel labour, or to the continual temptations and as constantly vitiating process of the silent system, and all of them to the contamination of gaol companionship. The evils thus produced were so deeply rooted that it detracts nothing from the corrective efficacy of the Separate System, if it be



admitted that twelve months of its discipline was time too short to eradicate them.\*

But let me further account for these re-committals by stating that *three* of these five prisoners were of decidedly weak intellect when committed ; two of them could not during the whole term of their imprisonment be taught to read even words of one syllable. This circumstance, which rendered them the more pitiable, and more sure victims of former prison association, must have entirely prevented any successful use of those means on which depends the corrective efficacy of the Separate System. A fourth of these was incapacitated by diseased eyes from receiving the usual instruction, and concerning the fifth, who had been *ten times* before convicted, I offer no further explanation. I conclude these observations on our re-committed prisoners, by remarking that whilst the number of those before in prison for less than three months tends to confirm what has been said of the deteriorating effects of short impri-

\* My excellent friend the Ordinary of Newgate tells us in his last Report, that “ the present prisons and the present discipline would do very well if it were not for the ‘ incorrigibles.’ ” I wish he had connected with this sentence his description of the “ inside of a prison and its *deep corruptions*,” he would then have transposed some words, and have said—It is our present prisons and our present discipline which render offenders incorrigible. He shews this in several pages of the same Report, avowedly in the paragraph quoted, Vol. i. p. 61, and surely the re-committals to our prison confirm the truth and proclaim the cruelty.

sonments, the small number of those who had previously been in gaol longer than six months—the consideration of the character of those few—with the causes of their re-committal, must tend to recommend a system, the result of which has been favourable, I say not in some, but in every case in which fair opportunity has been afforded. Not one criminal concerning whom it could reasonably be asserted when he was sent within your prison walls, his character admits of hope, and the time for his correction ought to be sufficient, is found reported as re-committed, or is said to have relapsed into his former vices. A result, the like of which, I feel sure, has never been attested, and I am equally convinced *never will be*, by the most strenuous advocates of any other existing system.

In concluding this Report I may allude to the more *positive advantages* which result from our improved system. Already may we point to instances of reformation—of continued and patient perseverance in well doing, on the part of many once notorious for profligacy and vice. In this immediate neighbourhood, where my opportunities of intercourse with our discharged criminals are more frequent, I rejoice to look around on several who have struggled against difficulties, and have withstood temptations until their lost character has been retrieved, and they are now prosperous and respected. I seldom visit other portions of the county, but I derive pleasure greater than I can here describe in

recognising some in whom a similar change has been effected. There is not, perhaps, one magistrate on your honourable bench to whose mind the mention of these facts does not recall some instance of marked success in the discipline which has been pursued. The Lord Bishop of this diocese, who has directed his high talents to the subject of penal discipline, who has visited your prison, conversed with the inmates of its cells, and learnt much of its effects in his unwearied labours, has been pleased to pronounce your system "excellent." The clergy of our parishes who, as they constantly watch the liberated criminal, and witness the results of his imprisonment, can perhaps best of all appreciate its benefits, are unanimous in its commendation. Farmers, whose labourers may be committed, and masters, whose domestic servants are subjected to your plans, not only anticipate good as the effect of such punishment, but so confide in its corrective tendency that they are willing to receive again into their service the very criminals they prosecute, when their term of imprisonment has expired.\* These instances, I can assure you are neither

\* A pleasing instance of this occurred during the very Sessions at which I presented this Report. Two prisoners were convicted of robbing their master of corn, &c., and sentenced to imprisonment. I requested the prosecutor to give them employment when released if I could recommend them as corrected; to which he replied, that having now in his service two others who had been in Reading gaol, and had conducted themselves remarkably well, he would willingly give these criminals a chance too of redeeming their character.

singular nor few—they are numerous and increasing. That they will continue to increase, past experience warrants the certain expectation. Indeed, to doubt the happy consequences of a system of imprisonment, based upon religious principles, and which supplies religious instruction under circumstances most calculated to foster its influence, would be to discredit the efficacy of means which, although I, with many others, shall have lasting cause to thank God, who gave you grace and wisdom as Magistrates to apply them, we must still remember derive their origin from God himself, and are appointed by Him for the demonstration of His power, in turning men from darkness to light, and from the power of Satan unto Himself.

I have the honour to remain, &c.

To the Magistrates of Berkshire.

As further shewing the effect of the Separate System, and expressing the Author's opinion on points connected with the subject of the present work, he inserts the evidence which he was called upon to give, in 1847, before the Select Committee of the House of Lords on the Execution of the Criminal Law.

It affords him much satisfaction that he is enabled to annex the statements of many best acquainted with the operation and results of criminal treatment, as well as the evidence of those whose opinions may command attention ; all tending to confirm the accuracy of most of the sentiments he has expressed.

A Magistrate of Berkshire, who has devoted much time, and constantly observed the working of the system pursued at Reading, as a Visiting Justice, was also examined. Important extracts from that evidence are here introduced, but the answers to questions concerning some peculiarities of discipline are omitted, because the treatment of prisoners has been already described.



WILLIAM MERRY, Esquire, is called in, and  
examined as follows :

4905. You are a Magistrate of the County of Berks ?

I am.

4906. And have taken a considerable part in the recent alteration of the gaol at Reading ?

From the first construction of the gaol.

4907. And have watched the progress of the reformatory process in that gaol ?

Weekly.

4908. You have reason to think that what may be called the Separate System has been more perfectly carried out in the gaol at Reading than anywhere else ?

I think the superiority of Reading Gaol consists in corrective instruction being adopted instead of hard labour.

4913. Are you able to form a judgment as to its effect upon the mind when so long continued ?

Yes. The effect so far as nearly three years' experience of Reading Gaol goes, leads us to believe, that of all the misapprehensions and mis-statements that have been put forward with reference to the tendency of separation in cells both by day and by night its affecting the mind is the most groundless.

4914. You have not found that it injures the mind of the prisoner ?

I never heard of a prisoner who has not been

benefited. In the first year we had twenty-seven cases carefully marked, of prisoners who either themselves had been in confinement or in whose families insanity was more or less developed ; in the second year we had thirty ; all prisoners of whom we received valuable information from the minister of the parish or from those in the neighbourhood best calculated to give it. We have not had a single prisoner who has not left us benefited in mind really and visibly.

4920. Have you had any opportunities of observing what the effect upon the minds of prisoners of this imprisonment is as to making the prison the subject of dread ; have you had any opportunities of witnessing the deterring effect of it ?

The very first effect was a very remarkable one. I happened to be visiting the gaol one day when the Chairman of Buckinghamshire, the Deputy Chairman, and a Deputation of Magistrates came over to examine our system ; they were in the gaol three or four hours, and it finished by their declaring that we had forced them to build a new gaol at Aylesbury, because all the prisoners went to them in preference to Reading.

4921. You found it produced an immediate and appreciable effect as to the re-commitment of prisoners ?

Twenty-five per cent. the first year in commitments, and twenty per cent. in re-commitments.

4923. It is your impression that the points in

prison discipline which make it morally corrective make it also eminently deterring?

Unquestionably.

4924. So that, instead of making a prison more attractive by introducing these moral correctives, you would expect to make it more deterring to others?

Yes.

4925. Can you mention any proof of it?

I took the average of the five years' crime of the whole county previously to the adoption of the separate system in Berkshire. I then carried on a similar scale of crime with reference to the first year of our new system. I asked for the same returns from Hereford Gaol, it being a gaol upon the separate system, and well conducted, but where they have a treadmill. In the very first year our vagrant class—a class very well acquainted with all prisons, and the treatment they received there,—had a reduction in it of nearly one half, and Hereford Gaol very nearly trebled its numbers.

4926. Did an instance come under your own observation of a re-committed prisoner who said, that he had committed his offence thinking he was out of the county of Berks or he should have taken care not to do it?

I know the fact; I did not actually see the man.

4927. So that you have seen yourself instances where though it did not morally cure the man, yet it was eminently distasteful to him?

Yes.

4928. More so than the hard labour ?

Yes.

4929. And you consider that this would make it less deterring ?

Labour will necessarily diminish the success of instruction.

4930. Is it your impression from what you have seen that the adding hard labour to that system would make it more or less distasteful ?

I think adding hard labour would make it less deterring. I was in Gloucester gaol this last winter, and there I found an instance of a young lad who had been committed, and insisted that he was fifteen for no other reason than that he might be allowed the privilege of leaving his separate cell to go upon the treadmill.

4933. In what do you think the terror of imprisonment in the Separate System consists ?

In the absence entirely of all the excitement of companionship, and in self-reflection.

4934. Do you consider that a great punishment is the being forced to read ?

Undoubtedly. I believe there is not a man that would not escape from the separate cell to go upon the treadmill if he had the option.

4980. Have you been able from your own knowledge to form any considered judgment as to the reforming result of this design ?

Nothing can be more gratifying than the instances which we know round our own neighbourhood

of the results of those who have been long in gaol.

4981. Wherein would you distinguish between the Separate System and the solitary system?

I am not aware that the solitary system has ever existed in England.

4982. What, to your mind, makes the distinction between the two systems?

In the solitary system a man has been left entirely to himself, like a dog in a kennel; we endeavour in every possible way to raise those persons into the consciousness of being human and responsible beings. They are constantly visited.

4986. Have you been able to ascertain at all what length of time it takes to produce anything of the effect that you have described? Have you been able to reduce it to any sort of theory?

Undoubtedly. If a person comes in who cannot read, the first six weeks is very hardly employed in teaching him, and until that is effected we cannot expect much; and I should think that three months would be the shortest time that we could hope to obtain reformatory influence.

4987. You think that short imprisonments must fail for moral good?

Not entirely; because, though a man has not been able to learn to read, he may be taught to think.

4988. Have you seen any marked effects?

I should consider it unfair to attach any importance to any case of a prisoner who has not been at least three months under instruction.



4995. Do you not conceive that there is in mere work and hard labour, to a person of idle and dissolute habits, a reformatory influence and effect in the mere working?

None whatever.

5044. You have turned your attention a good deal to the treatment of prisoners discharged after reformatory discipline in prison, have you?

To their position afterwards in society.

5045. Do you think that, taking them altogether, there is a probable prospect of such men being received again into society after they are discharged from prison?

I believe that in the course of another year or two, when the effects of our system are better understood, that the same effects will result in Berkshire as at that admirable institution in France. The applications for apprentices at Mettray are more than the institution can supply; and, I think, a man eventually will, in like manner, no longer be held to be a worse man for having been reformed in Reading gaol.

5055. Did you say that your system could produce any good effect if it were a week or ten days?

We could not reckon upon it as a system.

5056. Could it produce an injurious effect on a vicious system?

Yes, it might. A prisoner could hardly escape contamination from gaol association.

5057. Would it injure it?

Thank God it cannot. Under our separate system no prisoner can be contaminated.

5058. Would it do any good afterwards?

It is impossible to say how far; but so far as our system is concerned we should expect benefit to result in proportion to its duration.

5059. Would you expect much from two months?

If a prisoner could write when he comes in, I think two months might do a good deal.

5060. But you think, generally speaking, it must be three months?

I should be glad to have a prisoner for three months, never less.

5072. Do you attribute great reformatory effect as well as deterring effect to your system?

Yes. I attribute the reformatory effect to religious education.

The Author having been in attendance upon the committee, when the Chaplain of Preston Gaol was examined, was asked if he concurred in his opinions. Having replied that he agreed with them so far as they had reference to separate imprisonment, he thinks it right to prefix the evidence of Mr. Clay to that which he himself gave. He would add, that the superior talent, the high character, and the long experience of his friend and fellow-chaplain, render such agreement a cause of pleasure, and of increased confidence in the truth of his own opinions,

The Reverend JOHN CLAY, B.D., is called in,  
and examined as follows :—

1179. You are Chaplain to the Preston Gaol and House of Correction?

I am.

1180. How long have you been so?

Nearly twenty-six years.

1181. Were you Chaplain to any place of the same kind before?

No.

1182. During those twenty-six years have you performed the duties of that office in person?

I have.

1183. Have you had constant communication with the gaoler and those under him, and with the prisoners themselves?

Daily.

1184 Have you found that the prisoners are more or less hardened, or are the greater number of them persons having committed first offences ?

Formerly the greater number were persons committed for second and third offences. Since the improvement in the discipline, the greater number are persons committed for first offences.

1188. What difference has there been since the reformation of the discipline which you speak of ?

I find that in the last year's Report, of those under fifteen years of age, the proportion was six per cent. of sessions cases and three per cent. of summary convictions. The comparison of juvenile offenders with the whole number of offenders in the respective years mentioned does not, however, show the benefits of the improved discipline, because there was a remarkable falling-off in commitments in 1846, as compared to 1841, of all ages ; the relative proportions of old and young being preserved. Upon referring to my Report for 1846, p. 10, I find a table showing that, comparing 1841 with 1845-6, the criminal committals generally to Preston Sessions had decreased more than forty-five per cent. ; or comparing 1842 with 1845-6, the diminution exceeded fifty-one per cent. Again, at p. 7 of the same Report, I show that the number of "young persons of both sexes, under twenty years of age, committed to the Sessions, had decreased from 178 in 1842 to 60 in 1846."

1189. To what do you ascribe the difference ?

The improvement of the discipline ; that is, the total prevention of, I may venture to say, the possibility of contamination.

1190. Do you consider that that has diminished the number of re-commitments for new offences ?

I am glad to say it has diminished the re-commitments in a degree which, though I was always sanguine upon the point, has far exceeded my expectations.

1191. When did the improvement take place ?

We acted upon it decidedly in the month of June, 1844 ; so that we have now had two or two years' and a half experience of it.

1219. Have you found that the training of the prison has done good to many of those persons, [most ignorant prisoners] while they were under you ?

I am most thankful to say that it has gone far beyond my hopes.

1220. That they have gone out better than they came in ?

They have gone out better than they came in, and they have remained better.

1221. They have kept out of the prison for the future ?

They have. I have a memorandum here to show that of all the commitments from June 1844 up to the present time, restricting my observation to first commitments, throwing out of the question those who had previously been in gaol under the bad system, there are only six cases of relapse for felony.



1222. That is, six cases of persons re-committed to the same gaol?

Yes.

1223. They may have been committed to other gaols?

They may; but I am able to compare this gaol with the gaol at a former period.

1224. In what did the improvement of the discipline two years and a half ago consist?

The adoption of a system of separation.

1229. Do they very much dread being kept in separate confinement?

I cannot say that they dread it, because they do not know what is about to be inflicted upon them. During the first part of the period the confinement has a great effect upon them.

1230. Are they uneasy under it?

Very uneasy. That period of uneasiness varies from two to five or six weeks; but after that (and it is a remarkable fact) they become not only reconciled under it, but I may venture to say in most cases happy.

1231. If they are continued for a long period in that separate state they suffer again, do not they?

I have not been aware of it yet.

1232. That is to say, for five or six weeks they feel it irksome and annoying?

Yes.

1233. After five or six weeks they become more reconciled to it?

They are perfectly reconciled to it ; they are grateful ; and their language is—I have heard it expressed to me more than twice—“I do not feel that I should be inclined to go out even were I permitted ?

1238. What is the longest period during which you have ever had occasion to make your observations on a prisoner ?

Eighteen months. We have some under sentence for two years, but it has not yet expired.

1239. Did you find that during the last six months of those eighteen they became impatient of confinement ?

In no case. But I may explain to your Lordship that we look after them very carefully. If I or the Governor see the slightest symptoms of depression of spirits, which we seldom do, we take the man out and put him to a little gentle labour, to cleaning the corridor for instance, or the outside of the place ; he does not know the motive for it.

1240. Have you often observed symptoms of exhaustion and depression of mind.

Very seldom.

1241. Could you say in how many cases in 100 you have seen it ?

I have not yet had occasion to observe more than five or six cases of long confinement, that is, of confinement exceeding twelve months.

1242. In those cases how many have appeared to have their faculties benumbed by confinement ?

Not one.

1243. You have seen some instances of it, you say?  
Of an approximation to it only.

1244. You say that you have observed that the first few weeks they seem to you to be very uneasy, and that afterwards that feeling subsides, and they appear to be even happy; does that appear to be the result of their merely becoming habituated to the confinement, or is it any moral change of feeling and principle?

I am happy to say that it is the result of a moral and religious change.

1245. So that in that case you consider a reformatory principle has been at work during the first period of the confinement?

Certainly. The returning ease of mind and the reformatory principle come together.

1246. Does that lead you, therefore, to anticipate that when their period of confinement has expired, they will go out better members of society than they were when they committed the crime which led to their being brought there?

I am perfectly satisfied not only that they will go out, but I know that they have gone out, better members of society and better christians, and have continued so for many months, and in some cases for one or two years.

1247. Have you ever had occasion to see those prisoners after they were restored to society and have left the prison?

Yes.

1248. In many instances ?

Not in many instances, because I cannot go beyond Preston very well. In Preston I have seen them in twenty cases or more.

1267. What is your opinion of the effect of punishment generally in deterring from committing offences ; do you consider that its deterring effect has been somewhat over-rated ?

Its deterring effect, apart from reformation, I have very little faith in. For twenty years or more we have been endeavouring to deter from the commission of crime, but with no success.

1268. The question refers to the deterring effect upon persons who have not yet become criminal ?

It did not deter juvenile offenders. The custom formerly was to sentence them to a short imprisonment and a whipping. In these cases I took every occasion to impress upon them, " If you come here again nothing can save you from transportation ;" but they did come. The young offenders came in again within two years and a half from their first commitment at the rate of fifty-six per cent. I cannot fully impress upon the Committee the value of a system of separate confinement till I show it in opposition to the ill effect of the former mode. I take, for instance, the committal of boys, at and under the age of seventeen, in the year 1840 I think it was. I traced those boys for two years and a half, and I found that of those who had come in for the first time in that year, before that year and another

year and a half had elapsed they came in at the rate of fifty-six per cent. Now, as I have told the Committee, during the two years and a half we have been under the improved system we have had altogether only three boys relapsed out of about 110.

1274. You speak of the reformatory system as being beneficial; will you apply your mind to these two different kinds of case, one a person who has committed a single grave offence, such as forgery, and who up to that time has been a person of good life and character, and the other the case of a person who has committed no great offence, but has fallen into a wicked and vicious habit of stealing for years. It may be understood how the reformatory system should act very beneficially in reclaiming the latter from his bad habits, but do you think it has equally proved effectual in curing the former of whatever infirmity there was in his mind, which made him yield to that one temptation?

I think so. We have no cases so grave as that to which your Lordship has alluded—a case of forgery; but we have instances of what I may venture to term “incidental offences,” whereby, under a sudden access of temptation, for which a man was not prepared, a crime was committed. I consider that that man will require less of the reformatory process than the man who has been habituated to crime.

1275. Should you think the reformatory process would be so effectual as to give you confidence that



the person who had once committed the grave offence by the mere effect of that reformatory process would be led not to commit it again ?

I should have great faith in the reformatory process ; for that man's offence I look upon as being committed because he had been living what I would call a careless life.

1276. His mind has never been awakened ?

No.

1277. Would not you rather say that the result would be this : that having tasted the bitterness of the punishment he would not like to have it repeated, rather than that the mere reformatory process had altered his nature ?

I should be inclined to believe that the reformatory process would alter his nature, always supposing that we had him long enough.

1280. Do you believe whipping to be a punishment which ought to be applied to boys ?

I think, under the reformed plan of prison discipline, whipping should be abolished.

1281. Do not you think it has a great deterring effect ?

We flogged for more than twenty years, and they came back at the rate I have described.

1282. What do you think of the effect of working prisoners in public, so that they should be compelled to work exposed to the gaze of the public ?

I disapprove of it.

1290. How often in a week may you see each of

those individuals, besides your public exercises with them ?

I see some cases almost daily ; some few others I do not see oftener than once in ten days.

1291. You have no curate ?

No. I may venture to say that if the Separate System is carried more generally into effect, a prison calculated to hold 200 or 300 prisoners will find work for two or three chaplains.

1303. Do you think the Separate System of imprisonment may be advantageously extended ?

I firmly believe that, unless you do extend it, no good whatever can be done in the way of prison discipline. I believe it is essential. If you make the reformation of the criminal your object at all, there is nothing for it but a system of separation.

1304. Not solitary confinement ?

No. I contemplate that which shall effectually prevent contamination and evil association.

1305. So that, according to that, there ought to be no place of confinement without the Separate System existing in it ?

Just so.

1306. Do you think, in its influence upon the minds of most criminals, it would be found effectual ?

I do, assuredly. The results I have given are, that the re-committals, which I look upon as the great test of the value of prison discipline, are scarcely tangible under such a system.

1309. As you appear to consider the association

of criminals together to be very fatal to their improvement, should not you consider that the sending of a number of criminals together upon public works, where there can necessarily be no separation whatever, must be very fatal to any improvement of them afterwards?

It would only be fatal so far, as it involved communication between prisoner and prisoner.

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The Reverend JOHN FIELD, A. M., is called in, and examined as follows :

1316. How long have you been Chaplain to the Gaol at Reading?

Seven years.

1317. Had you ever been Chaplain to any other gaol before that?

No; but having a curacy in the city of Worcester, I occasionally officiated at the county prison there.

1318. And had occasion to see the prisoners as well as their gaolers?

Occasionally.

1319. How many prisoners are in the Reading prison?

I think we have to-day 156.

1320. What is your average number?

The average number is from 125 to 130.

1321. Are many of those juvenile offenders?

I think between one sixth and one seventh portion of them under fifteen years of age.

1322. Is the Separate System adopted in your prison?

Yes.

1323. Since when has it been adopted?

During the last two years and nine months.

1324. Have you had any opportunities of observing the effects of it?

I have, almost daily.

1325. Have they been beneficial?

Yes; they have even exceeded the expectations I had formed, and those were sanguine.

1326. Have you heard the evidence of Mr. Clay?

I have.

1327. Have you attended to his answers?

Yes.

1328. Do you generally agree with him in the statements he has made?

Generally; with reference to separate confinement particularly.

1329. Do you consider that it has produced a beneficial reformatory effect on your prisoners?

To a very great extent.

1330. Have you had the means of ascertaining that?

I have observed their conduct while in prison, and in many cases subsequently.

1331. Were they restored to society in Reading after the period of imprisonment had expired ?

Several of them.

1332. Do the bulk of them come from Reading ?

We have prisoners from the borough, and from the county generally. There is another house of correction at Abingdon.

1333. Of those whom you have had occasion to observe after they had left the prison, have you found that the effect of the reformatory system has been wholesome ?

Yes, in very many cases.

1334. Have you had many re-commitments for offences ?

Yes, we have.

1335. Can you give the Committee any statement of the proportion of such re-commitments ?

The first year, out of 630 criminals discharged, fifty-one or fifty-two were re-committed.

1336. When you say re-committed, do you mean prisoners who had been in the same gaol before, or in some other gaol ?

They had most of them been in other gaols

1337. Were the fifty who had been re-committed those who had been in the prison under the old system ?

Most of them. The following Report made by me, if your Lordship will allow me to put it in, will contain all the information which is alluded to by your Lordship's questions. [The same is delivered in.]\*

\* See p. 139, et seq.



1338. Do you consider that the bulk of those who have been in prison during the last year had been committed before to other prisons?

A very large proportion of them, amounting to about one half.

1339. Were many of them hardened criminals?

Very many.

1340. Have you had any opportunity of communicating with those hardened criminals respecting their former history?

Yes, in many cases.

1341. Had they been often imprisoned before?

Some of them had been as many as twelve, some even twenty times.

1342. Of what age were they?

The persons who had been so many times in prison were from thirty to forty years old.

1343. Persons who drove the trade of criminals, so to speak?

Yes.

1344. For all sorts of offences?

Yes; the punishments varying from three days to two years.

1345. Have you had occasion to examine the effect of an imprisonment of as much as eighteen months or two years?

Yes; we have had several who have been discharged, who had been imprisoned for that length of time.

1346. What effect had it had upon their health?

Not an injurious effect at all.

1347. What effect had it upon their faculties ?

Their mental faculties were remarkably improved,  
I may say in every case.

1348. Had they not in some cases a tendency to listlessness and want of energy ?

I have not observed it.

1349. The separation is made complete, is not it ?

Yes ; both before and after trial.

1350. There can be no talking ?

A prisoner may talk to himself or read aloud ;  
they cannot communicate with fellow-criminals.

1351. Do you keep the prisoners separate before trial ?

Yes.

1352. Do you allow no prisoners to speak to their friends before trial ?

Only to their friends ; they are separated from the other prisoners.

1353. You do not allow the untried prisoners to communicate together ?

No. I think it is even more important before trial than subsequently that they should be kept separate.

1354. You consider that many of them being bad they would contaminate the good ?

Yes. Your Lordship is aware that that system of discipline has been the subject of particular investigation ; and I have endeavoured to trace the prisoners who have been acquitted as well as those who have been convicted. Particular reference was made to

the system in a pamphlet written by Sir Richard Vyvyan, to which, with your Lordship's permission, I should like to refer. He observes:—

“The same system of spirit-breaking solitude is applied in both cases to those who may be acquitted after many months of this discipline and to those who may be found guilty; and this occurs in a country where it is a maxim that no man is to be considered guilty of a crime until he be convicted in due course of law. To cite one instance of this injustice I need only mention the first then on the list of prisoners for trial at the Reading Borough Sessions; No. 1, in that section of the calendar submitted to you at Abingdon was committed ‘for stealing brass plate;’ the date of his commitment was 25th October, 1844. He was tried 3rd January, 1845, before the Recorder of the Borough, and acquitted, after having undergone the penalties of the solitary confinement and of the mask whenever he quitted his cell for exercise or attendance at chapel, during an interval of above two months.”

1355. What is the mask which is alluded to?

A cap with a peak falling over a portion of the face, with holes for the man to look through, so that his sight is not prevented, but nobody can recognize him. I had lost sight of the boy referred to in the above extract, and supposed he had left the neighbourhood, but about four months ago I was walking through the Market-place, at Reading, when a person came to me and said, “I have a young lad in my employ who would be glad if you would allow him to come and see you; he says he is under great obligations to you.” I said I should be happy to see him, and I found that it was the very boy referred to in this particular case. I subsequently requested the master to send me an

account of him, as he told me that he had been previously in his service. This lad was acquitted; but his master gave me this note referring to him.—

“Knowing your interest for the welfare of the boy whom you had under your care, I am pleased to tell you he has been with me now nearly two years, and continues to conduct himself to my satisfaction. It may perhaps not be known to you, that the same lad was in my service previous to his being sent to gaol; and the reason of his leaving me at that time was my detecting him in robbing me; but from his having neither father nor mother I was induced to try him again, and at the present time I have no reason but to suppose he is serving me honestly. From many conversations I have had with him I am glad to find he has not forgotten your kind instruction.”

I refer to this case, because we have here an instance of one committed before trial, who was really criminal, though not convicted of the particular charge for which he was sent to prison. This lad was kept separate up to the time of his trial; and it is a pleasing case in which reformation was effected, where the contamination which must have resulted from association before trial would not only have prevented reformation in his case, but have done much injury to others.

1356. He was never convicted of anything?

No; but the master had previously discharged him on his confession of having robbed him.

1357. Are many of those prisoners whom you have under your care prisoners for grave offences, or are the bulk of them for larcenies?

The bulk of them are for comparatively trifling offences; but we have them for the most heinous

crimes also. During the last two years we have had two executions for murder.

1358. Had you occasion to attend those criminals?  
I had.

1359. Were the murders committed in cold blood?  
Yes; and premeditated.

1360. For the sake of money?

In the former case it was a father murdered his child. It was apparently for money, or that which was equivalent to it; it was that he might retain his situation of gamekeeper, which if his family had increased would not have been allowed.

1361. How old was the child?

About five years old.

1362. What was the other case?

A man for the murder of his wife; a most atrocious case.

1363. Was it from jealousy?

No. The man had seemingly married for money; he hoped to get possession of a sum of money, and had been disappointed.

1364. Have any other cases of murder passed under your observation?

There was another case, in which the prisoner was not convicted.

1365. In those cases did they appear to have very great dread of capital punishment?

Yes.

1366. Did they continue to have, during the time before their trial, the hope of not being convicted?



Yes, in both cases.

1367. Do you know upon what that hope was grounded?

Upon the uncertainties of the law.

1368. Did it proceed at all upon the supposed reluctance of a jury to hang?

I am not prepared to say that it did.

1369. How soon after they were convicted did the execution take place?

Somewhat more than a fortnight.

During that fortnight, did they still cherish the hope of pardon?

One of them; not the other.

1371. Were applications made for it?

Yes.

1372. Were they aware of those applications?

Yes; I believe one of them.

1373. How did they know of them?

Through the legal adviser who conducted the defence.

1374. Who had access to them after their conviction?

Yes.

1375. Did not the rules of the prison prevent that?

It was permitted.

1376. How was it permitted?

I do not think the rule strictly prohibits it. It was by the permission of the Sheriff.

1377. In those cases had they made away with their property before their trial?

The first prisoner had no property at all, and the latter had made away with it.

1378. Is the deterring effect of capital punishment great upon criminals, in your opinion?

I think not upon those who witness the execution.

1379. Upon those who hear of it, do you think it is?

On those who are shut in their cells, and to whom I have spoken concerning it previously, I feel convinced it has had a very salutary effect upon their minds.

1380. In deterring them from guilt?

I think so.

1381. In awakening their minds?

Yes, certainly. At the time there was a solemn impression produced on their minds, which I hoped would not prove transitory.

1382. Why do you think that executions have no effect upon the minds of the persons who witness them?

We have had various persons committed who have witnessed executions.

1383. The question is not whether it would have the effect of deterring persons from committing other crimes, but whether it would deter them from committing capital crimes?

If it does not deter them from committing other crimes, I think the inference is, that it would not deter them from capital crimes.

1384. But they could not be hanged for committing other crimes?

I think it is the same principle carried a little further.

1385. A man seeing another hanged for murder may not avoid committing a petty larceny, because he knows that he is safe from being hanged for it ; it is not an example to him ?

I submit to your Lordships that it is only the vicious principle carried out to a great extent.

1386. Do you think that this is the effect of capital punishment : that a man may go out upon the highway, or may go to a house to commit burglary, and stop short of shedding blood from knowing that he will be hanged if he does shed it, though he may not be deterred from robbing by the fear of going to Botany Bay ?

I conceive that a man who has witnessed an execution once, or at any rate repeatedly, would be more likely to commit murder than one who has not.

1387. Do you think that a man would be more likely to commit murder from having seen one single execution ?

I do not think any good impression would be produced on his mind, but I think the contrary effect would be produced.

1388. Independently of the effect of actually seeing an execution, what effect would knowing that a murderer never escapes have ?

I do not wish your Lordships to understand me as advocating the abolition of capital punishment by any means. I do not feel that it is a question I am

at liberty to speak of.\* I believe the Divine law to be positive on the subject. I speak of the comparative effect of public and more private executions.†

1389. Do you consider that the dread of transportation is considerable among criminals?

No, I do not.

1390. Do you think the receiver of stolen goods has no fear of being sent away from his associates in this country?

I do not think it operates upon the lower class of criminals as it does upon those who have something to lose.

1391. Upon a banker's clerk who commits embezzlement, for instance?

I believe then it is regarded with great dismay. We have not many of those classes. They are chiefly

\* As to the total abolition of the punishment of death in regard to the crime of murder, amounting to an assurance that in however revolting a manner that crime might be perpetrated it could never lead to the forfeiture of the life of the murderer, the consequences to the public safety seem to be quite appalling. The present punishment of murder is sanctioned by the laws of Almighty God, and has been adopted by those of most civilized nations, and I certainly think it would be unwise and dangerous to the best interests of society to abolish it.—*The Lord Justice General.*

† I might have omitted this part of the evidence as not being immediately connected with the subject of this work, but I am induced to insert it because in every report, excepting one, which I have seen of the recent debate in the House of Commons on the motion for the Abolition of the Punishment of Death, I was misquoted as approving of such a measure.

agricultural labourers who come into our prison ; and certainly there is not that dread of it that you would desire to see in their minds.\*

1392. What is it that they dread most ?

They dread separate confinement far more ; to such an extent, that I have known the case of a prisoner who, when sentenced by the Magistrates summarily to three months' imprisonment, has begged that he might rather be committed for trial, with the hope of being transported.†

\* " In general they seem to care very little about it, and quite to expect this sentence. I have frequently been thanked for a sentence of transportation."—*Evidence of Lord Medwyn.*

† I heard with much pleasure the hearty approval of the system pursued at Reading implied in the following answers of the learned and very benevolent Police Magistrate of Liverpool, although I cannot think it to be desired that we should retain all criminals in this country.

1626. Do you think that transportation can safely be dispensed with in the execution of our criminal law ?

That is a question on which I would speak with great reserve and caution. I am of opinion that if we were ready to enforce other punishments that it might be dispensed with ; but I do not think that we are ready for it in England, not because of the moral state of the country, but because of our incapacity of dealing with a number of convicts every year under the system which your Lordships have heard explained by the reverend gentleman who has been last examined. We have no gaols yet ready for it ; our gaols are not fit for it. We have no gaols in England ready to confine under the Separate System the number of convicts that are every year sentenced to transportation.

1627. Suppose we had in any given county, say in Lan-



1393. Had that man suffered separate imprisonment before ?

No.

1394. Then how could he have a notion of its horrors ?

From the accounts of others.

1395. Of what age was the party to whom you refer ?

He was twenty-eight ; he had been four or five times previously convicted.

1396. What was his trade ?

He was an agricultural labourer.

1397. A person having a family, or any property, of course would dread transportation very much ?

I am not sure that in many cases the having a family would alter his feelings.

1398. Generally speaking, are they not the persons who would dread transportation the most ?

I think so.

1399. Besides those murders you have spoken of, what other grave offences have you seen in the Reading Gaol ?

A few cases of manslaughter and horse-stealing.

cashire, a sufficient number of borough gaols and county gaols ready to administer the Separate Silent System of labour, with the other reformatory discipline pointed out by the reverend gentleman whose examination you have heard, should you then say that we should be in a state to dispense more or less with the punishment of transportation ?

I should say we should.

*E. Rushton, Esq., Barrister-at-Law.*

1400. Very bad manslaughter?

No.

1401. Manslaughter committed in a passion?

Yes. Burglaries we have had a great many of, and cases of house-breaking.

1402. Have you any opinion upon the subject of whipping?

I believe it would be injurious.

1403. Have you any opinion upon the subject of employing men on public works, so that they should be seen by the public?

I believe it would be very injurious. I have seen something of the working of the treadmill, and I know where parties have been admitted into the prison there has been an injurious effect produced, an irritation upon the minds of those men.

1404. So as to prevent that calm which is necessary for reformatory purposes?

Yes. We have now no treadmill I am happy to say.

1405. Is it your opinion that the great preventive of crime will be infant training and sound moral and religious education?

Yes; I believe that is what is wanted as a preventive of crime.\*

\* I feel thankful that I can support this opinion by the more influential answers of many of our learned judges.

“ Our best hopes rest upon a good and religious course of education for the people,—an education which shall mainly be directed to the teaching them their duties to God and man,

1406. Not to teach them reading and writing merely, but sound principles and kindly feelings?

rather than merely giving them information. I do not under-value the latter, I only think it of immeasurably less value than the former."—*Evidence of Mr. Baron Alderson.*

"I am of opinion that good education, including infant training as well as sound religious and moral instruction, will do more to lessen the prevalence of crimes than any mode of dealing with convicts that can be devised."—*Mr. Justice Cresswell.*

"I cannot answer the question with any precision; but I certainly think and hope, that such education being extended, it will very considerably lessen the prevalence of crime, especially if the education of the young could, in any way consistent with political economy, be kept or taken out of the hands of criminal parents."—*Lord Mackenzie.*

"Certainly, the best chance of *preventing* crime of every kind is to be found in good education, including infant training, and the instruction of the early youth in sound religious and moral knowledge."—*Lord Moncreiff.*

"The Bible is the great instrument for the moralization as well as the salvation of men, and I have no doubt that a sound education on Bible principles, including therein infant training, will by its preventive effect lessen very considerably the prevalence of crimes. And I am equally of opinion, that mere literary or moral teaching can never produce that beneficial result."—*Evidence of Mr. Justice Crampton.*

"I am deeply persuaded that good education, including infant training, as well as sound religious and moral instruction, will afford, under the blessing of Almighty God, the best security for the diminution and prevention of crime; and I think making adequate and judicious arrangements for this object would be to confer one of the greatest blessings upon our country."—*Evidence of Mr. Justice Jackson.*

Yes; reading and writing alone will not deter from crime.

1407. Have you found great ignorance to prevail among the convicts under your care?

Yes; one third of them have been unable to read.

1408. Have any been so ignorant as not to know the name of the sovereign?

I have not questioned them upon that point particularly.

1409. The names of the months?

I have not put general questions of that kind, but I have no doubt they are as ignorant as that in many cases.

1410. What should you say of their ignorance in religious matters?

I think I may say a very large proportion—I may say more than a quarter of them—are unable to repeat the Lord's Prayer.

1411. Are they aware that they are always acting in the eye of an omniscient and omnipotent Being?

They will admit it if questioned, but they do not act under the feeling. It is not such an impression as has any practical effect.

1412. Do they believe in a future state of rewards and punishments?

I have found them quite ignorant of that in some cases.

1413. So as to have no fear of hell?

Not the least. Those are comparatively few instances.

1414. Have they any idea of the personality of the devil?

No, not in many instances.

1415. Have you many prisoners committed for poaching?

A great many

1416. Are those who are committed for poaching ever sentenced to transportation, unless there has been violence used?

I have never known an instance.

1417. Are those that are sentenced for a short imprisonment confined upon the principle of the Separate System?

Yes.

1418. All of them?

Yes.

1419. You have no other mode of confinement?

No. I cannot say that I think correction is often produced by a very short period of imprisonment, even under the Separate System.

1420. Should you have any confidence in the reformatory process reclaiming such a man as the gamekeeper, whom you have mentioned as having murdered his son, supposing he had been confined even for three years, and had been during that time subjected to the discipline of the gaol?

I never have felt myself at liberty to question the propriety of the present law.

1421. When prisoners have been dismissed have you found that they were taken back by their relations?



In very many instances they have been taken back by their former employers. In general, previously to the discharge of a prisoner, I write to his former master, or the Clergyman of his parish, requesting him to intercede with the master to give him employment, and I have generally been able to succeed.

1422. Has that taken place frequently?

Since this new system has been adopted. Certainly, I never knew half a dozen cases in which I could really recommend a prisoner before.

1423. You did recommend it if you met with such a case under the old system?

Yes.

1424. There is less reluctance now to take them back?

Very much less.

1425. How long has the new system been in operation?

Two years and nine months.

1426. You said that you thought a short imprisonment seldom produced much effect?

Yes; all we can say is, that they are not the worse for that imprisonment.

1427. What do you mean by a short imprisonment?

Any imprisonment short of three months.

1428. Could you suggest any other punishment which could be substituted for a short term of imprisonment?

I am not prepared to do that. I think if culprits

were not sent to prison for a less period than six months it would be desirable.

1429. You must inflict some punishment upon every crime?

I would submit to your Lordships the opinion, that if criminals were dealt with according to character, rather than according to the particular crime, there would be far more hope of reformation and of benefit to society generally.\*

1430. Is there any means given to a Court in judging of the various criminals before them to apportion the punishment according to character; must not they judge of character by the case which comes before them?

I submit that the more grave offences would indicate a greater depravity of character.

1431. Would not there be a tendency, if that were known to be the principle of meting out punishment, to induce every prisoner to have from ten to twenty respectable witnesses called to character?

I have no doubt many more would come forward.

1432. In the case of young offenders being tried

\* The Judge alone, who sees the parties, and has the means of informing himself of their former life or circumstances. It is impossible to predicate from the depositions in a case what would be the proper punishment. I mean, that if in the terms of the deposition the party is convicted, assuming all the facts to be proved at the trial which appear in the deposition, I do not think any man could undertake to say what the *proper* punishment could be. — *Evidence of Recorder of London.*

for the first time, who according to your opinion are not likely to be improved by a short imprisonment even under the best regulation, should not you think the substitution of corporal punishment would be desirable?

I have never seen any reclaimed by corporal punishment; I believe it has a hardening effect.\*

1433. Might not the fear of corporal punishment prevent a person from committing a crime which would be followed by that punishment, though it might have little effect upon the individual who has committed the crime and has been punished?

I think, referring to the experience of the past, we find that the most severe punishments have not operated to deter, as many have supposed.

1434. Not if administered immediately upon conviction?

I think they have not operated in that way. I think they have not had the deterring effect which has been generally attributed to them.

March 19th, 1847.

1568. Have you anything to add to your evidence of yesterday?

Your Lordship was pleased to ask me whether I concurred in all the observations made by Mr. Clay, with reference to the Separate System. There is one point in particular to which I am anxious to

\* Vol. i. 385.

revert. Your Lordships are aware of the great objection urged against the introduction of separate imprisonment in different counties, because of the great expense incurred by it, not only in building the prisons, but in the supposed necessary increase of the number of officers of the establishment. Mr. Clay's observation was, that there must be a number of Chaplains. With great deference to him as a senior Chaplain, I must remark that I think one Chaplain may very well, provided he has two school-masters under him, superintend an establishment for 200; I would not say a larger number, but for 200. Will your Lordships allow me again to refer to the question of short imprisonments. I will refer to two particular cases, showing the injury that is thus inflicted on the prisoners themselves. At our Assizes on the 1st of the present month, a boy and a girl were arraigned and convicted of felony: the girl was sentenced to six months' imprisonment. I had some conversation previously with the Judge, and I represented to him that if the girl were sentenced to a short imprisonment, on her discharge I certainly could not recommend her to any situation, but the probability would be that she would be liberated with her character lost, and with no opportunity of retrieving it. His Lordship was kind enough to sentence her to six months' imprisonment; since that time, in this case, I have succeeded, provided I can recommend her, at the expiration of six months, in inducing a Magistrate to take her into his service.

In the other case, the boy was convicted and sentenced to one month's imprisonment. The day before yesterday the Mayor of Reading (he was convicted as a borough prisoner) came to me and asked me if I could recommend the boy as a suitable object for the Refuge at Hoxton; he believed that money would be found to defray the expense of his being there, if I could recommend him. My answer was—"The boy is sentenced to one month's imprisonment; I cannot possibly, at the end of a month, express any hope that permanent reformation has been effected, because I shall not have sufficient ground for so doing." Now in these cases the girl will, subsequently to her imprisonment, be provided for, but the boy must go out unimproved, and will in all probability be re-committed in a very short time.\*

1569. With respect to the question of the shortness of punishments, not speaking of juvenile offenders but of persons of older age, do you not think that it is very often desirable to give them a short imprisonment instead of a long one?

I think very seldom.

1570. You are aware that if a prisoner is in gaol above three months they are obliged to increase his diet?

I am.

\* This has since happened not less than four times. The boy has become an expert thief. I have also received statements from other boys convicted of felony, which have shewn me that this prisoner first tempted them to offend.



1571. Do you not think as a general principle that you should let the prisoner leave the gaol when he is smarting under the punishment which he has undergone?

I will suggest that a prisoner ought to leave the prison as an able-bodied man, fit for the exertion to which he may be immediately subjected ; a little increase of diet would, therefore, be an advantage rather than otherwise.

1572. Does he feel the punishment so severe under an increase of diet as he does when he has less to eat?

I should look very little to reformation being effected by punishment. That separate confinement is in itself a punishment more severe than the law would impose under any other circumstances I am fully convinced. The first two months will be a season of remorse, during which time the prisoner will suffer intensely ; but from that time there generally will be an improvement in the character. Of course there will be exceptions, but that is the general rule.

1573. Is it not desirable that a man should leave prison at the end of three months, when he looks unhappy, and speaks with the deepest horror of the punishment he has undergone? Is not his conversation when he goes out likely to deter other offenders from placing themselves in the position to which he has unfortunately been subjected?

I submit that it is not punishment to which we are to trust for the reformation of offenders.

1574. Would it not tend to deter others from committing that offence, seeing the man come out of prison very unhappy, and hearing of the little food he has had, the hard work he has had, and the silent system he has undergone; will not the knowledge of that deter others from committing offences, to be placed in the position he has been in?

If we are to look upon the law either as vindictive, or merely exemplary, your Lordship's observation will apply.

1575. No man can argue that punishment should be vindictive; but are not the two main principles of punishment, in the first place to deter others from committing offences, and to give the person himself an opportunity of reflection, by which he will be reformed?

I look upon the law, not as ever designed to be vindictive, but most certainly as appointing punishment intended to be exemplary to a great extent. I submit, therefore, that we have no right to inflict punishment merely for the sake of avenging wrong, or simply with a view to its deterring effect upon others, without bearing in mind at the same time the reformation of the criminal; and I should further submit, that there is no hope of any such reformation of a criminal after a period of only two months' imprisonment. He has suffered punishment I am fully convinced, and a very severe punishment, but it is not smarting from that punishment that will prevent future crimes.

1576. Not on his part ; but might not the knowledge of it tend to prevent it in others ?

It might ; but I believe that the mere dread of punishment as threatened by any law, either human or divine, very seldom prevents crime. Offences are restrained far more by the correction of a criminal ; but they are increased by the hardening process of ineffectual punishment.

1577. Have you anything further to add ?

Connected with this subject I would submit to your Lordships a remark as to what is the principle of punishment, or by what means reformation is to be effected. I believe that in order to punishment being corrective it must be based on sound principles and accompanied with scriptural instruction ; and it will be perfectly plain to your Lordships that this scriptural instruction cannot be given without some considerable space of time ; and I should despair of reformation in any great number of cases unless there was not only time given to impart the rudiments of scriptural knowledge, but to infuse religious principles, so far as human agency may do so, and for them to be strengthened in the prisoner, and confirmed before he leave the prison, otherwise he is suddenly exposed to temptation ; he goes back to his former companions ; the short committal has not really separated him from them, for his heart has been with them ; and the consequence is, as we find by experience, that re-committals take place to a

fearful extent, simply because the former term of imprisonment was too short for correction.

1578. Then you make the length of punishment more in proportion to the time required to reform the prisoner than in proportion to the offence he has committed ?

As I stated yesterday, I would again submit to your Lordships, that after conviction the prisoner has become a subject for correction, and that there is no hope of correction being effected unless time be allowed for the purpose. Our prisons are legally called Houses of Correction ; I infer, therefore, that the law sanctions the opinion that their inmates ought to be corrected.

1579. What is your opinion of the effect of transportation ?

I stated that I thought it had not a deterring effect upon the class of criminals with whom I have chiefly had intercourse ; but that it has upon a higher class I have no doubt,—the receivers of stolen goods, and persons of that description ; and here I think the apparent discrepancy between Mr. Phillips's evidence\* and my own would be reconciled. He has had to do chiefly with a very superior class

\* 1499. From what you have seen at the trials of those offenders (receivers of stolen goods, &c ), and from your communication with their families, are you of opinion that transportation was a punishment which they dreaded ?

The most of all, excepting death ; infinitely more than any other, I should say.—*Evidence of Charles Phillips, Esq., Barrister-at-Law.*

of criminals, as to their station in the world, to those with whom I have had intercourse.

1580. Supposing the Government and the country are of opinion that transportation does not deter male offenders from committing offences, do you think they are justified in transporting women to our colonies?

That is a subject on which I have never before thought; but I should imagine that the State would be justified in inflicting such punishment for heinous offences. It would be a matter of expediency, perhaps a remedy, for some horrible vice, and I am not sure that justice would be violated. The prisoner really becomes, I presume, the property of the State.

1581. Suppose that a man and a woman commit an offence for which they are sentenced to be transported for fourteen years, is it a fair way to send the woman to Australia, and to send the man for a year to one of our prisons, and then to employ him upon public works for a few years? Is that an equal punishment to the man and to the woman?

If I may be permitted to say so, I most sincerely hope that the prisoners may not be employed upon public works after twelve months' separate confinement. But in answer to the more immediate question, if it be admitted that the convict is really the property of the state, I think it is then a question of expediency for the state, but involving at the same time certain duties and responsibilities.



1582. Have you known many instances of reformed prisoners after they have been in the house of correction for a year?

Yes; I am thankful to say that I have, and even after six months in several cases of separate confinement.

1583. Would you say that a person who went into prison without education had a better chance of reforming, at the end of twelve months, than one that went in comparatively well-educated?

I am not sure that the kind of education which has been given to the class forming our criminal population has tended to prevent crime; I mean the mere reading and writing; and we have very few committed who have a knowledge beyond that. A well-educated prisoner would probably be wrought upon in a shorter time than one who had everything to learn.

1584. Have you any thing else to state to the committee?

There is this peculiarity attending the treatment in Reading,—that we have not carried out the sentence of hard labour. A prisoner when committed has been placed in his cell, and labour has not been inflicted as a punishment. We can neither say that it has been compulsory, nor that the prisoner has been persuaded to work, but it has been permitted; and it is a very remarkable fact, to which I would request most respectfully your Lordship's attention, that out of 1,900 prisoners whom we have had in

Reading Gaol, I have only known two cases in which they have refused to work, in which they have not liked the work allowed them; and the particulars of those cases were somewhat remarkable. One was that of a London thief, who came to Ascot Races, one who lived by the light-fingering trade of pocket-picking. This prisoner was afraid that by handling the pump (for we have a crank pump) the iron would spoil his hand for his trade. The other was the case of a boy, whose father was in the prison, and he was unwilling to work at making baskets unless his father might be allowed to work with him. Upon that subject I have made two or three observations in a volume which I lately published on Prison Discipline, which I submit to you. [Some Extracts now contained in Vol. i. ch. viii. of this work.] With your Lordships' permission I would press this point most strongly, as involving a principle essential to any reformatory system of Prison Discipline. If I may presume to give an observation made by one of your Lordships in a recent debate, I would apply it as one which my own experience has fully confirmed. "It is in the nature of Englishmen to hate any thing which is put upon them by force." I am sure, therefore, that industry and consequent honesty will never be promoted by compulsory labour.

1585. Have you any thing to state upon the subject of prison masks?

I have observed very great benefit arising from the practice to which you refer. I believe that while

the prisoners are wearing the mask (or rather the cap with a peak which covers part of the face) in the prison it tends to induce a sense of shame, and that is a corrective process in itself. But subsequently to their discharge I have seen very great benefit from it, because they have not been recognised. I have known one very remarkable case, which I will just state. There were two men whom we had in prison, one twelve months, and the other three months. They were in the same ward during the three months. They both left, and went to houses in Reading, the one No. 16, and the other No. 18, in the same street. When they had been some months living in those houses I called on them both, and inquired if they knew each other, inquiring indirectly, not giving them any idea of their having been together in prison, and I found they were quite ignorant of the fact.

1586. But the public knew that they had both been tried, because they were tried publicly?

Yes.

March 22nd, 1847.

1734. Have you any thing to add to your former evidence?

Your Lordships were pleased to ask me respecting the transportation of women. It is a matter which I would submit to you for consideration as a cause of crime, and perhaps a more pernicious cause of crime than any other, the women being left in this

country, and the children being also left unprovided for. I have continually requests from neighbouring clergymen to know whether I have received any information respecting those who have been transported. The women are wishing to be again married, and do not know whether their husbands are living or dead, and of course I am unable to answer the question. As an instance of the evil, at the present time, in my father-in-law's parish, there is a woman whose husband has been transported ; she has since been married twice by going for a short time to reside in other parishes, where she was unknown, and now her husband, who has been transported, is supposed to be alive. I believe she is not amenable to criminal proceedings, because her husband has been absent from this country for more than seven years, but the moral evil remains still. I am not prepared to suggest any remedy for such cases, whether it should be by a divorce or in what other way. And with reference to the children, my Lords, it is very remarkable that on this very day when the imprisonment of four of our young delinquents expires, the first case is that of a boy fourteen years of age ; he is an illegitimate child. The mother's husband was transported for sheep-stealing fifteen years since ; his wife has been since imprisoned, and this young offender was born just twelve months after the transportation of the husband. Since then the woman has given birth to four more children ; one of her children has been convicted

nine times ; once for sacrilege. Again, on the last day I appeared before your Lordships there were two boys committed to Reading Prison for felony. Their father was transported two years since. The mother has since that time been in our prison, convicted, and sentenced to, I think, three months' imprisonment for prostitution. I need not use the words in the commitment, but it is for prostitution. She has six other children, three of whom have been convicted, one of them repeatedly ; there are indeed four of her children at this time in prison. And then with respect to provision for children of that kind, I submit to your Lordships that really charity does not meet the object at all. They don't indeed seek it ; they can support themselves better, as they think, by pilfering. During the year before last we had sixty-four delinquents under sixteen years of age in the prison, and twenty-one of that number I know, perhaps many more, were the children of convicts. During the last year we had sixty-four also, and twenty-eight of that number were the children of convicts. As I have stated, on this very day we have four leaving the prison under the circumstances I have mentioned ; but in every case the children have either lost their parents, or their parents have absconded.

March 23rd, 1847.

2083. Have you any further observations to make?  
Your Lordship is perfectly aware that a prejudice



exists, and there is a feeling in the minds of Magistrates throughout the country, that the Separate System is inapplicable to a very large proportion of criminals. The supposition has been that the morals are improved, but that the mind is endangered.

2090. You are of a contrary opinion?

Decidedly; and if your Lordship pleases I will give you the reasons.

2091. I will draw that opinion from the things that have actually passed under your own observation. Will you state the results?

We have now had nearly two thousand in our prison, and although many of them are for a short period, yet I submit to your Lordships that it is during the first period that the great trial takes place. If the mind gives way at all, it will be in all probability during the time that the prisoner is undergoing the severity of the punishment. In no single case has insanity, or even an approach to it, been induced by our treatment.

2092. The question is, whether or not it has a tendency to weaken, not the understanding, but the energies of the will? I think certainly not.

2093. You would have expected that to happen rather at the beginning than at the end? Certainly.

2094. Do you not think that it is possible that a man's energies may stand out against the effect of any thing for three months, and that in eighteen months they will fail and sink; in your judgment is not that possible?

I am not prepared to say it might not in many cases; but with the vigilance which would be exercised under the Separate System it is not likely.

2095. Do you think that any vigilance would enable the Superintendent to ascertain from day to day that the energies were weakening?

I think we have proved that they are not weakened.

2096. How long have you had experience of that? Two years and nine months.

2097. Do you consider two years and nine months to be a fit time for improvement, or how long? How long do you think it ought to be, at the outside?

I think eighteen months; we have had some cases of two years. I may state that we have one case now in the prison which is a very peculiar case; it is that of a man who was tried for sheep stealing, and was acquitted, because he was insane at the time; that prisoner is now in the gaol, detained of course "during Her Majesty's pleasure," but the surgeon says that the man is now sane.

2098. He is recovered; in short, the discipline has recovered him?

Exactly so. But there is this anomaly attending the case: application has been made to the Secretary of State for his removal; but he cannot be removed unless the surgeon certifies that he is insane. He is not an object of pardon, because he has never been convicted.

EXTRACTS FROM EVIDENCE AS TO THE CORRECTIVE  
INFLUENCE OF SEPARATE IMPRISONMENT.

I have seen the operation of the Separate System at Pentonville; and, so far as I can judge from inspection of the prison, and communication with the prisoners personally, it seems to me likely to answer the combined object of punishment and improvement.—*Mr. Baron Parke and Mr. Justice Patteson.*

I think separation very desirable; solitary imprisonment may with propriety I think be resorted to, but sparingly, and for short periods. I have generally applied it in cases of persons of education, where I have thought that reflection may produce amendment; *e. g.* cases of manslaughter committed by such persons in a drunken state, where possibly less intemperate habits may be produced by compelled sober reflection on the fatal consequences of their intemperance. But separation, I think, should be the rule of all good gaols; it is the only effective classification. I hold it to be the imperative duty of the state not to let a man go *worse* out of gaol than he came in, if by any regulations they have the means of preventing it. It is also desirable, I do not know whether it is the duty of the state, to make all criminals *better*, if possible; but I think this object is to be held subservient to that of preventing crime by the example of punishment; and on no

other principle that I can perceive is it possible to defend capital punishments, which can hardly be said to have any tendency to make the individual criminals better, though I think they have a strong effect in repressing crime. It follows from what I have said that my opinion is, that separation should in cases of adult criminals be continued during their whole imprisonment; but I would encourage as much of society of the good with such criminals as possible.—*Mr. Baron Alderson.*

Separate confinement, distinguished from solitary confinement, being a confinement separate from the convict's fellow-prisoners only, and presenting opportunities for imbibing moral and religious instruction, and acquiring habits of industry, affords fair ground for anticipating moral improvement and reclamation; while solitary confinement, destitute of the same incentives to amendment, is more calculated to harden than to correct. \* \* \*

I have heard from Magistrates and others conversant with the subject, that in some gaols boys as well as adults have been reclaimed by their imprisonment. Of those gaols, Reading Gaol is one.—*Mr. Baron Platt.*

Do you conceive that “separate,” as contra-distinguished from “solitary,” confinement, can be inflicted so as to heighten the effect of the punishment?

I think it may ; but I think the great use of separate confinement is as one stage of *reformatory discipline*.—*M. D. Hill, Esq., Q.C.*

1956. Do you observe a great alteration in the state of mind of the prisoners ? Do you observe a gradual progress during the course of their confinement ?

'The moral condition of the prisoners under separate confinement,—that is, where all the advantages of religion are brought to bear upon it,—is decidedly improved. The experiment, I may say, has now been subjected to some trial abroad. I am not speaking merely of the good conduct of the prisoners as it is evidenced by their letters to their friends, showing their advancement in intellect, and also in good feeling towards their friends, and their resolutions to do what they can for their parents in the case of children, or for their children in the case of parents ; but, beyond that, I have seen them on board ship, and I am now in receipt of a great many letters from different persons concerning the first men that were sent out in the " Sir George Seymour " and the " Stratheden," and also from many of the prisoners themselves, and impartially viewing the matter altogether, without any bias arising from my own predilections or feelings, I have been quite surprised at the honest conduct of men from whom one could almost have expected nothing. At this moment I recollect two striking cases, which perhaps I may be allowed to mention,—they are two out of a great number ; and I mention these two cases because the prisoners were the most unfavourable subjects that ever came under my notice. One was designated by our discipline officers " Jack Sheppard," of Pentonville. He was a man who had been engaged in all species of successful robberies ; a man who had, according to his own



statements, (and certainly those were the only proofs we had of that fact), broken gaol in several instances ; but he was a man so clever that I can easily understand it. This individual entered in Van Diemen's Land upon a course of honest and laborious industry. Further than that, I am in receipt of letters from him, or rather passing through my hands, with liberty to read them, to his wife, who was a very profligate woman. He sent me 6*l.* to assist in carrying out this woman. Before he left I said, " You are to consider well the propriety of getting your wife out ;" for she is living in a state of wickedness. He said, " I have made her what she is, and I now feel that I ought to endeavour to make her better." I have heard from others about that man, that he continued to pursue the same course. That is one of the cases.

The other was a case which would have been considered almost hopeless, and it was so regarded by the officers in our prison. It was the case of a man who had been convicted of theft in our prison. The man had made a profession of religion, and had been admitted by my predecessor to the Communion ; but, upon this occurrence, he was of course debarred from that Church privilege. There was a question whether he should be put among the incorrigibles or not. I recommended, having a voice in the matter, that he should be allowed to go into the probation pass class in the colonies instead of among the incorrigibles. I considered that he was under strong temptation. He stole a book ; he had great anxiety to learn, and he put into his bag a little book which he greatly valued and I recommended ; and our Governor acquiesced subsequently in the recommendation of that man for the probation pass instead of going away among the incorrigibles. I have heard from a person in whom I have great confidence that that man on being thrown among other men in Van Diemen's Land has been really doing them religious good. At all events he is valued by his master as an honest servant.

1970. You have stated two remarkable cases, and you have also observed that there are a great many cases of decided reformation though not of so marked a character. What proportion of the whole number should you consider to be effectually worked upon by the treatment and by their intercourse with you?

It would be very difficult to say the proportion, but all the accounts that I have received go to fix this conviction on my mind, that the great majority have received such benefit as to keep them honest and virtuous members of society, and I should state that not one of our exiles,—that is, not one of those who have gone to Port Philip,—has been convicted of theft in Van Diemen's Land. Of the ticket-of-leave and probation pass men, one man was convicted of theft, and others of drunkenness and insubordination; but even those were the minority in Van Diemen's Land.—*Evidence of Rev. J. Kingsmill, Chaplain of Pentonville Prison.*

3043. You think they (boys) go out worse than they came in?

Unless they are kept separate. I think that an impression may be made upon them if they are kept separate; but so long as they are associated together, they go out as bad as they went in, or generally worse.—*Capt. Hansbrow, Governor of Lancaster Castle.*

*	*	*	Separate confinement is the best
thing.	*	*	* Our female prisoners

have decreased very much, because we confine them now all separately. We have had a corridor built after the government plan, and we put our women in different cells, and we let them out one in the morning and one in the afternoon ; and our number of women has decreased very much in consequence of separate confinement. Before, they were in the yards, and they congregated in the rooms, sitting at the fire. They do not like the Separate System.—  
*Governor of Portsmouth Gaol.*

3579. In the prisons that you have ever examined, have you had occasion to observe what the fear of imprisonment and transportation was among the prisoners ?

The establishment of the Separate System is of recent date, and it has had the effect of diminishing the number of prisoners considerably. Transportation, I consider, if carried properly into effect, is the punishment which is most dreaded of any that can be inflicted by Courts, I mean short of death.—  
*Peter Laurie, Esq., Barrister-at-Law.*

3894. You do consider that that kind of discipline and imprisonment has a tendency to reform the criminal ?

I cannot entertain a doubt on the subject.

2895. Do you consider that that kind of imprisonment has a tendency to cure them of bad habits of mind ?

I should believe so.—*Sir B. Brodie, Bart., Commissioner of Pentonville Prison.*

4650. Did you see any thing of the silent system in the United States?

I did. I went to a place there called Sing-Sing, and I heard of a person that was there from New South Wales, and had got a conviction for fourteen years in Sing-Sing.

4651. What effect did that system adopted at Sing-Sing seem to produce upon the prisoners?

They looked just as stupid as if they had been in a madhouse. They got sufficient to eat and drink, but they looked completely stupid.

4652. Would the Separate System produce the same effect? I should say not.

4653. As far as your experience goes, can you say whether the Separate System has a powerful effect in reforming the persons subjected to it?

I should say it has.

4654. Not so the silent system? No.

4655. But the Separate System,—that is, each man working in his own cell, and seeing the Chaplain, and Governor, and the Wardens from time to time,—you think has a reformatory effect?

Nothing more so, I should say, speaking from my travels through life, and there is not another man in the kingdom alive who has experienced the treatment that I have for so great a number of years in the Colonies. I have been through all the colonies and

seen every system adopted in every place; in fact one of the Judges in New South Wales wanted me, previous to leaving, to give an historical account of my life.

4656. You think that the Separate System has a reforming effect? I should think so.

4657. Which has the most terror for criminals, the Separate System or the silent system?

They dread most the silent system; but still their dread does not prove that it has the best effect.—

*A. B., a liberated convict.*



EXTRACTS FROM EVIDENCE RESPECTING SEPARATE  
IMPRISONMENT BEFORE TRIAL.

211. Have you any objection to state what is your own view of the expediency of applying the Separate System of imprisonment previously to trial and conviction?

I am very much in favour of it. The county of Warwick is about to build a large prison, and the borough of Birmingham is building a large one; both will have provision for separate confinement; always distinguishing that from solitary confinement.

212. Do you conceive that the restraint which may be put by separate confinement upon a prisoner who may turn out to be innocent is more than compensated by his absence from the contamination to which otherwise he would be subject by association with other persons awaiting their trial?

Far more.

213. What distinction do you take between "separate" confinement and "solitary" confinement?

"Separate" means separate from other prisoners; "solitary" means separate also from all the rest of the world. In some parts of England and Scotland there are respectable persons who make a point of visiting the gaols, with a view to beneficial communication with the prisoners; going round from cell to cell.

214. The question refers to untried prisoners ?

Certainly ; so I understood it. With respect to untried prisoners, it would seem that all that society has a right to do is, to take means to have them present for their trial ; but it is bound to take care not to do them a moral injury by forcing them into evil associations.—*M. D. Hill, Esq., Recorder of Birmingham.*

## EXTRACTS FROM EVIDENCE RESPECTING THE SEPARATE SYSTEM AS INCREASING PUNISHMENT.

I think separation adds to the terror ; and the greater the time during which it is to continue the greater the terror.—*Mr. Baron Parke and Mr. Justice Patteson.*

I consider that imprisonment, with the certainty of being subjected to the restrictions, discipline, and system of separation, as now adopted in the General Prison at Perth, as well as in others of the improved prisons in Scotland, as at least well calculated to create terror in offenders, especially when such sentence is to be undergone for a considerable length of time.—*The Lord Justice General.*

I cannot doubt “ that separation or solitary confinement can be inflicted so as to heighten the effect of the punishment ” of imprisonment.

I should with little hesitation conclude that it must heighten the effect of the punishment, and so increase its value as a check upon crime. It is manifest that imprisonment of that description must be greatly more disliked, and looked forward to with more dread, than one where the prisoner is allowed to pass his time in idleness in the society of other culprits ; but I am not aware that the system has in

Scotland been attended with any important beneficial result in the prevention or repression of crime.\*  
—*Lord Wood.*

I have no doubt that it can, and that separation (not solitary confinement) is calculated for a time to increase the severity of the punishment; and though the convict, from habit, from a sense of its ultimate advantages, and of its opening up a prospect of better things, may submit to it with patience and even cheerfulness, I am satisfied that outside the prison it will be always regarded as a state of severe suffering, and especially by other criminals and evil-disposed persons as a kind of punishment most repugnant to their feelings and habits.—*Lord Chief Justice Blackburne.*

Separate confinement is also very much disliked and apprehended in the very few places where it is used. Separate confinement to be useful ought to be continued, not as a punishment, but as a preservative from contamination, and applied as well before as after trial.—*Mr. Justice Perrin.*

I do conceive that separation or solitary confinement (that is, solitary in a certain degree,) may be inflicted in such a manner as at once to heighten the effect of the punishment and produce a tendency to reformation in the culprit.—*Mr. Justice Burton.*

\* See reasons assigned, Vol. i. 272.

The question is put to every prisoner who is committed to Newgate, whether he chooses to be by himself or not, and we find that only one in one hundred chooses to be by himself.—*The Ordinary of Newgate.*

Do you consider that separate confinement can be inflicted so as to heighten the dread of the punishment? Certainly.—*E. Bullock, Esq.*

1741. Have you much confidence in the effect of punishment in deterring people of the criminal class from committing offences?

By the Separate System I think there is no question of it.

1742. They dread it very much? They do.—*Mr. Stephens, Superintendent of Birmingham Police.*

1832. Have you had an opportunity of knowing in what light the prisoners consider the punishment at Pentonville, as compared with the punishment of transportation?

I think they look upon the confinement in Pentonville as a very severe confinement.—*Captain Groves, Governor of Millbank Prison.*

1801. Have you had any opportunity of seeing any persons who have been subjected to what is called "The Separate System" of confinement for any length of time?



Yes; we have instances of persons convicted of misdemeanors of a certain class who are placed under the modified Separate System in our prison.

1802. What do you consider to be the effect of that system upon them?

It is regarded by them, I am well informed, as a most severe punishment, and I have seen no mischievous results or tendency attributable to that separate confinement.

2960. Was there any hard labour in the case of the imprisonment in your gaol?

I think not. There is scarcely such a thing, in my experience, as hard labour in the London prisons, and certainly not the amount of labour which they are compelled to perform in the Hulks.

2961. But still labour of some sort?

Some occupation, certainly. The treadmill is applied in my prison.

2962. But that sort of imprisonment would be a slight punishment compared with imprisonment that involves separate confinement?

Most decidedly.

2965. How do they describe it?

In many instances, that their own thoughts distress and pain them beyond measure. When alone, they require excitement; and when they are so placed apart, and must necessarily reflect on and review their position, they feel it intensely.—*Lieut. Tracy, R.N., Governor of House of Correction, Tothill Fields.*

2011. Have you had an opportunity of learning, by intercourse with the prisoners, whether the prospect of imprisonment for fifteen or sixteen months in separate confinement has a deterring effect upon their minds?

I cannot doubt that they fear it as a severe punishment, but perhaps more in prospect than in reality. In the first period of confinement I think they feel it to be very severe. Those who were first convicted came up to Pentonville with the preconceived notion that it was a dreadful kind of ordeal that they were to go through; but after men become habituated to it for two or three months I think it is not so severely felt as it is generally apprehended that it will be. I conceive the looking forward to transportation after any lengthened period of confinement on the Separate System renders the mind and body of a prisoner less capable of going through the imprisonment than it would otherwise be.—*Lieut.-Colonel Jebb.*

3472. Do you consider that separation and silence would make imprisonment much more formidable than it was otherwise?

I have no doubt that the system which has recently been introduced into Scotland, the Separate System, is attended with more terror than imprisonment where the prisoners are left promiscuously together in the gaol.—*Graham Speirs, Esq., Sheriff of the County of Edinburgh.*

EXTRACTS FROM EVIDENCE AS TO ASSOCIATING  
CRIMINALS AFTER A TERM OF SEPARATE CON-  
FINEMENT.

576. Do you consider that in punishment a gradation of confinement would have a salutary effect ; that is to say, first, separation for a year ; afterwards, as they appear to be somewhat reformed, then less separation and more association ; and ultimately allowing them to associate with others ?

I must here again appeal to my experience for my answer. During the time that I was Chaplain at the General Penitentiary, the system in operation was, separation for the first half of the sentence, and association during the latter half. The association during the latter part was formed in classes of from five to ten ; and, as far as we could, we classed the prisoners according to the opinion we were enabled to form of the character of the individuals during their first period of eighteen months' separation. The results were so unsatisfactory, and so decidedly injurious, that we observed that the prisoners who had become improved in the first period of the separation frequently came either to the Governor or myself, as the Chaplain, and implored that they might be placed back again in separation, because, as they said, they could not retain the moral advantages which they had acquired while in separate confinement, and which they had learned to value.

The badly-behaved, in many instances, came and preferred the same request, stating that they could not conduct themselves so well in association as in separation, because they were surrounded with temptations from their associates that they constantly incurred reports and punishments, and they could not get recommended for their liberty. Accordingly, from the uniform testimony of both kinds of prisoners, we arrived at the same conclusion, that mischief invariably resulted from association, and after a trial of a great many years the superintending Committee, of which my Lord Devon was a member, recommended the abolition of the second class, in which the association was permitted under circumstances much more favourable than it can be in establishments of great extent and with larger numbers of prisoners. There is very important evidence upon this subject given by Captain Chapman, the then Governor of the Penitentiary, and other officers of that establishment, before the Select Committee of the House of Commons in 1831 on Secondary Punishments.—*Rev. W. Russell.*

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I may here add on this subject, that in a work just published on American prisons, we learn that an evil described in the foregoing evidence was foreseen, and prevented the establishment of asylums for prisoners in connection with some gaols in America.

Many benevolent men zealously supported a project for employing convicts placed together after a term of reformatory discipline, but it was objected that such persons could not live together in considerable numbers, having free intercourse with each other, however much they might be supposed to be reformed, without great abuses. *A single corrupt individual among them, corrupting others, each of whom would become a new corruptor, must soon reproduce all the evils of the older prisons.* This objection was admitted to be fatal to the plan, and the temporary advantage threatened so much permanent mischief that the State refused its sanction to any such scheme.



EVIDENCE OF SIR B. BRODIE, BART., RESPECTING THE  
BODILY AND MENTAL HEALTH OF PRISONERS AT  
PENTONVILLE.

3869. Is it your opinion that that system has been unfavourable to the health of those who have been subjected to it?

All prisons are in some degree unfavourable to health, but I believe that this is less unfavourable than others. It is very difficult to make comparisons between different prisons. For instance, in common prisons the average term of imprisonment is not above seven or eight weeks, and with us it is nineteen months; in fact it is more than this, because the convicts have been in prison before. But, in spite of that, I believe our mortality is smaller than that of ordinary prisons.

3870. Do you consider that they have any diseases which are peculiar to them?

There is more pulmonary disease than in the ordinary population, which is the case with all prisons. In all prisons pulmonary disease prevails, and I believe that we have had rather more of such diseases than most other prisons.

3871 Have you had any other disease which is prevalent in prisons?

No. We have had rather a small proportion of other diseases.

3872. Gaol fever is very little known, I believe, now in prisons?

We have never had it in Pentonville; indeed we have had no epidemic of any kind.

3873. What do you consider the effect of this separate confinement, generally speaking, upon the bodily health? Do you consider it unfavourable?

As little unfavourable as any imprisonment, and less unfavourable than most.

3874. Not at all more unfavourable, at any rate, than imprisonment where there is not a separation?

Not as far as I can make out. These are very difficult questions to determine. There are some things which ought to make their health at Pentonville better, and others which ought to make it worse. The circumstances that ought to make it better are, that we do not admit those who are actually in a state of disease. This ought to lower our average of disease. Then, on the other hand, we have a long term of imprisonment, which ought to raise the average.

3881. What is the effect of this Separate System of confinement, according to your observation and experience in Pentonville, upon the mental health; upon the understanding for instance?

The first year there were three cases of insanity out of three hundred and thirty prisoners; that was at the rate of nine and a fraction per one thousand.

3882. Could they be accounted for in any way?

I think that this excessive proportion during the

first year might be accounted for; since then the proportion has been very small.

3883. Has the system of treatment been altered since?

The treatment, in many respects, has been different since the first year. I have some opinions as to the causes of the large amount of insanity during the first year, but as I could not state them upon oath, I would rather not say any thing on the subject, except that there are circumstances which sufficiently explain it.

3884. And those circumstances have ceased during the other years? Certainly.

3885. What differences in the proportion have taken place?

Taking away the first year, I believe that our cases of insanity have been in the proportion of 1.48 per 1,000.

3886. Less than one and a half per 1,000?

Yes. There is reason to believe that this is a smaller proportion than that of the cases of insanity which occur in ordinary gaols; I mean exclusive of those who are insane on admission.

3887. Where the Separate System does not prevail? Yes.

3888. Then is it your opinion that there is not a materially greater proportion of insane cases in the Pentonville Prison than in the population at large?

I doubt whether since 1843 it has been more than in the population at large, and, as I have already

observed, I have good reason to believe that it has been less than in ordinary prisons.

3889. We have now been speaking of mental disease, positive insanity; will you direct your attention to the weakening of the energies of the mind without any disease? Do you consider that the tendency of the Separate System is to weaken the energy of the will and the mind?

There are a certain number of persons who suffer to a certain extent mentally in our prison besides those who are reputed to be insane. We have some who have partial delusions, such as a man thinking that he is sure to be pardoned when he is not, or thinking that he hears somebody calling him at night when he is alone in his cell. We have had about twelve or thirteen of those cases, all of whom I believe have recovered; but otherwise I am not aware that the system tends to enfeeble the mind at all.

3890. So that you think, as far as you can judge, that those persons liberated after nineteen or twenty months of separate confinement would not be of less energetic mind to earn their bread or to perform their offices in society than if they had been imprisoned in the ordinary mode?

I should think not.

3891. Would you not consider that the previous habits of the prisoners would rather tend to place them below the average both with respect to the chances of bodily and of mental health?

I should believe so ; and I suppose many of those who commit crimes do so from having originally a certain defect of intellect.

3892. At all events the habits of life of those who are in the House of Correction would not be favourable either to bodily or to mental health ?

Certainly.



EXTRACTS FROM EVIDENCE RESPECTING THE  
SILENT SYSTEM.

The silent system I believe to be impracticable, and very unadvisable if practicable. Strict prohibitions may be made, but can never be enforced.—*Mr. Baron Alderson.*

I regard the silent system as radically bad. The association of the prisoners together, under *any* circumstances, for *any* purposes, whether of work or instruction, under any restraints or prohibitions, is, in my opinion, utterly repugnant to the ends either of reformation or the deterring of others. There is even on the silent system the *society* and *association* of others,—the *influence* of others,—the means of recognizing each other when liberated, even if unknown before (one great means by which the temptations and influence of bad companions operate),—the want of that feeling of desolation, and of that pressure of conscience, through which, under the Separate System, instruction may reach the heart, and the comparison of wretchedness and innocence be forced on the mind. In a prison those incarcerated ought never to know who have been admitted since their own incarceration, and *ought never to see a face*, except of the officers of the establishment.—*The Lord Justice Clerk of Scotland.*

I certainly have doubts of the *Silent System*. I fear it is cruel if enforced. It figures as a kind of Sisyphean torment to keep men for months and years in company, and yet prevent all communication by the lash ever suspended over them. On the other hand, I fear it may be very difficult to enforce effectively ; but I am not competent to speak of it with sufficient certainty.—*Lord Mackenzie*.

I entirely disapprove of the *Silent System*. I saw an example of it in a large prison in Yorkshire, some years ago, which I own I regarded as very bad.—*Lord Moncreiff*.

What is your opinion of the silent system, or the having prisoners to work under a strict prohibition of communicating with each other by words or signs?

I must confess my opinion is unfavourable to it ; and for this reason, that I think to keep it in action demands such a constant control over the individual by those by whom he is guarded, that his mind is kept in an irritated and hostile state ; and as I look upon imprisonment as mainly valuable for its reformatory powers, I think it is of immense importance that nothing should be done which would place the mind of the criminal in a hostile state, because it is quite evident that if those who are attempting to cure him can form an alliance with his mind the process of cure is much more likely to go on rapidly and successfully than where he is striving to go in one direction and they in another.—*M. D. Hill, Esq., Q.C.*

Although Mrs. Fry saw too little of the *Separate* System to enable her to form an accurate judgment respecting its operation and effects, the same cannot be said with reference to the *silent* system, which was more generally pursued, and with the working of which cruel and demoralizing plan of imprisonment she had many opportunities of becoming acquainted. Hence her testimony on this point is valuable. I insert the following extracts from her memoir:—

“Who that has reflected much or marked the workings of the mind of man, has not found that without word or action, a spirit may pervade any collection of persons, either of resistance, opposition and defiance, or of comparative kindness and subordination. No delusion did she consider greater, than that man can be treated as a machine, and re-modelled, through having his conduct bent to obedience by strong coercion and dread of punishment. To benefit a sentient being, his sympathies must be as much as possible enlisted on the right side, the spirit of opposition never needlessly excited, nor his displeasure roused, against the circumstances he is under, and the authorities over him. Perhaps no scheme could be contrived by the ingenuity of man, more likely to petrify the little remaining softness of the heart, or aggravate his already rebellious passions, than to consign an individual to the companionship of others similarly circumstanced, submitting to an act, but resisting in spirit, the influences they are under. He and they may be so placed as habitually not even to see one another. But who will believe that there are not moments and opportunities when the evil glance can pass from man to man? When the concentrated malice that burns within will show itself in the countenance? When the mighty power of the human eye can convey meaning, or circulate a watchword of mental resistance, without a

sound escaping the lips? Men are not likely to abhor evil from being driven to abhor the method by which it is purposed to bring them to good. The more hateful the restraints of virtue in the aggregate become to any one, and the stronger his dislike of the authorities by which they are enforced, the more ready is he for the commission of fresh crime; for no mere dread of punishment, because a little more or less severe, or under somewhat different modifications, in the hour of reckless temptation will deter from guilt. To induce an inclination to do better, something of a taste for better things, a glimmering of light shed on the darkness of former depravity, were in Mrs. Fry's estimation the great objects to be obtained. As a loving parent mixes tenderness with unflinching and even stern severity, so would she have had the State, the "powers that be," deal with the offender as,

‘A father, whose authority in show  
When most severe, and mustering all its force,  
Is but the graver countenance of love.’

With these views, she could not fail as occasion presented itself to urge her opinions upon others, and deprecate the attempts at enforcing absolute silence amongst prisoners; for though she approved of only partial and guarded intercourse, varying with their guilt and character, and in no case without the presence and oversight of the officers of the prison,—the endeavour absolutely to close all avenues of communication where personal contact remained, was in her estimation, in its practical working, as delusive as the system in itself was harsh and untenable.\*

Opinions entirely consonant with the above, were expressed by the various speakers at the Congrès Pénitentiaire, as will be seen more at large in suc-

\* Vol. ii. 388.

ceeding pages. I would here however insert a few sentences as further evidence of the inefficacy of such treatment, and of the folly of attempting to enforce it. Thus M. Ferrière, the Chaplain of a large prison conducted on the silent system at Geneva, said—

“The governor knows that they converse, although he can find out very few communications. But to know how much the silent system is worth, we must listen to the prisoners themselves: there is hardly one who has not owned to me that he talked frequently, every day, many times a day—that they communicated all they wished to say and know—and that it was impossible for the director in his room of inspection, and for the superintendent of the workroom in his place to discover a third part of these communications. The greater part of them have given me particulars to make me understand the impossibility of preventing this silent conversation. I have even seen, and this fact is significant, the newly-arrived prisoners to be in less than a week initiated into the tricks of the workroom, and to have learnt of their fellow-prisoners more than I myself knew of the life and faults of the new prisoner.”

M. Hoffmann, Président du Tribunal d’Elberfeld, also said—

“I know prisons where this system has produced the most vexatious results. If the rule of silence is strictly enforced, the infringements open the way for the most inhuman punishments. And it is of no use, for, notwithstanding prohibitions and punishments, the prisoners always converse and get acquainted. When they do not speak with the tongue they speak with the eyes, and by signs; and every thing, even their tools, and the manner of working at their trade, becomes to them a sign, a language, a means of communication.”



And M. de Jagemann, Conseiller du Ministère de la Justice, à Carlsruhe, observed—

“You may increase the number of your keepers, but you cannot prevent these communications. It would be necessary for that purpose that your inspectors should be as Janus—and unfortunately the head of Janus is a mythological fiction. As soon as the inspector's head is turned, the tongue of the prisoner is turned also. It is the fundamental defect of the system.”

## EVIDENCE RESPECTING SHORT IMPRISONMENT.

Does your Lordship consider that any reformation can be worked on offenders by a short imprisonment, as for three or even six months?

I should greatly doubt it.—*Mr. Justice Wightman.*

I doubt much whether a short term of imprisonment can operate, except as a punishment simply. A longer period, perhaps not less than six months, is necessary for affording a chance of reformation, by means of instruction and discipline.—*Mr Baron Parke and Mr. Justice Patteson.*

I consider it possible, but very unlikely.—*Mr. Justice Maule.*

I believe crime to be a chronic disease; and not curable by a short process, if indeed curable at all. It follows that I disapprove of short periods of imprisonment, as for this purpose useless. I adopt them because in the present state of our prisons I do not think reformation likely to follow from a long imprisonment there, but rather the reverse.—*Mr. Baron Alderson.*

I do not consider that such short imprisonments as are contemplated in this question are calculated to produce reformation, unless perhaps in the case of the first instance of crime in a juvenile offender.—*The Lord Justice General.*

Short imprisonments, when the gaol accommodation does not admit of the Separate System being inflexibly acted upon, I regard as one great source of the increased depravity and more hardened character of offenders. They get linked together with other bad companions; and, whatever restraint of silence, or otherwise, is imposed, (in itself quite fruitless against the *influence* of bad companions,) still they have society, and they have the support of the countenance and presence of others,—they have the resource of looks and expressions, and encouraging glances,—they are saved from the burden of solitude,—so that imprisonment loses all terror for them, and they care nothing for the imprisonment, and return worse than before they were imprisoned. For trifling offences *long* imprisonments cannot be awarded; but the short imprisonments ought to be made as burdensome as possible, by the Separate System; and if the time is too short for instruction, then broken only by earnest exhortation, the rest left to solitude and *complete* inactivity, *without any occupation*, e. g., as when it is for twenty or thirty, or even sixty days, and for the first offence. \* \*

To continue the Separate System for a *short portion* of the term of imprisonment, as here supposed, as for a month or two, would render the Separate System quite useless. The separation and solitary confinement ought to be enforced for the whole period, as it is done in Scotland, whether a year or a year and a half or two years, and unless it is so enforced it

will be useless to act upon it for a short time, whether one regards impression to be produced by the imprisonment on others or on the criminal, or the possibility of conducting with any prospect of success the discipline, instruction, and useful employment which the Separate System admits of.—*The Lord Justice Clerk.*

I think not. Our criminal practice affords unceasing examples of the contrary. \* \* Still I believe that long separate imprisonment, with work, and instruction in morals, religion, and some mode or modes of industry, must and does reform a considerable proportion of offenders. But three or even six months is too short a time for instruction, or the formation of good habits or feelings, or change in the position of the offender when liberated.—*Lord Mackenzie.*

There are first offences for which short imprisonments may be sufficient, because reformation is either no part or a very small part of the object. A man of good character may commit a single slight crime. But wherever reformation is wanted, it seems to me to be absurd to expect it from imprisonments of three to six months. A new nature cannot be acquired, nor can old habits and associates be got rid of, in so short a time, even under the very best system of discipline.—*Lord Cockburn.*

Short imprisonments in general have only prejudicial effects.—*Lord Medwyn.*

\*     \*     I think that little improvement can be expected from a short imprisonment towards the reformation of the convict.—*Mr. Justice Crampton.*

I should not suppose that much effect in the way of reformation can be worked on offenders by a short period of imprisonment, such as three or six months.—*Chief Justice Doherty.*

I think reformation can scarcely be expected (speaking generally) by these very short periods of imprisonment; at the same time I have no doubt that salutary effects have been produced on the character and conduct of prisoners in some cases even by an imprisonment for six months in a well regulated gaol —*Mr. Justice Jackson.*

I do not think it likely that any reform can be effected in prisoners by short periods of imprisonment, such as for three or six months; undoubtedly some minds might undergo a very important change within even a period of three months, but, speaking generally, I do not think it likely that reformation can be worked out by imprisonment for such short periods.—*Chief Baron Richards.*

If the separation only lasts a month or two, this is far too short, both for severity and for the pro-



duction of any permanent change of mind.—*Lord Cockburn.*

As far as my experience enables me to form any judgment, I think that short imprisonments, according to the present system, are exceedingly injurious; they are not calculated either to deter others, or to produce reformation in the individuals subjected to them, and, on the contrary, their effects are in every way generally prejudicial.—*Lord Wood.*

I often sentence a child to a month's imprisonment, and to be well whipped with a birch rod at the end of the first fortnight, so as to keep the terror over his mind for a fortnight; but I find that those children *continually come again.* \* \* \*  
 \* \* \* The re-committals are very numerous, and I cannot say that I have grounds for supposing that many are reclaimed.—*Mr. Sergeant Adams.*

Short imprisonments are worse than useless, they are positively injurious. \* \* \* Convictions for short periods can do no good, and have merely the effect of hardening a child to imprisonment by degrees. It is obvious that the graduated exercise of our powers of doing and suffering, by which we have to overcome difficulties in the pursuit of good objects ought not to be employed to teach the lesson of setting at nought the punishments inflicted for crime; and yet this is the lesson taught by these illusory sentences.

Do you consider that any reformation can be wrought upon an offender by a short period of confinement, as for three or six months?

I rather think it will be found that good has been done by an imprisonment of as much as six months, but short imprisonments I consider as quite illusory. What shall be long, and what shall be short, as measured by months, it would be difficult to say; nor would that be a short imprisonment to one which is so to another.—*M. D. Hill, Esq., Q.C.*

You give juvenile offenders at first a slight punishment by imprisonment? Yes.

How long?

It varies according to the offence, but usually four months at the most.

Many of those have come before you again?

Yes.

Do you recollect how many times?

I can hardly say with respect to some individuals. Some have come two or three times; and then upon inquiry I have found that they have been summarily convicted two or three times besides. They rarely appear before us more than twice, but they have been summarily convicted before.

Do you consider that short periods of imprisonment, as for three or even six months, would have a tendency to reform the offender?

I am afraid not; not under six months certainly.—*E. Bullock, Esq., Judge of Sheriff's Court.*

3461. Do you consider that the sending a young criminal to prison for ten days for a very small offence has a bad tendency ?

Very bad ; it is perfectly futile.

3462. It injures him when he goes out ?    Yes.

3463. Many of those whom you have had under your care in your prison have been several times re-committed ?    Yes.—*Rev. W. Brown, Chaplain to the General Prison, Perth.*

The present practice of sending young persons to prison, first for short and then for longer periods, is proved to be a mere system of education in crime which generally ends in the individual being transported, and hence, first and last, causes much confirmed depravity and expense to the state.—*J. Wigham, Esq.*

3673. Do you consider that something is to be expected from a judicious system of reformatory treatment ?

If the prisoner is taken early and is not subjected to a series of short sentences, if he gets a tolerably long sentence at first, there is more hope of his reformation, but the number of re-committals is in inverse ratio of the lengths of the terms of sentence.

3683. What is the shortest imprisonment that you think at all tends to reformatory effect ?

I do not think it is worth while to send persons to prison under six months.—*Governor of Edinburgh Gaol.*

3733. Is your opinion favourable to short commitments by way of punishment?

Quite the reverse. I am of opinion that short commitments are one of the great sources of crime in Scotland.

3734. What do you consider to be the shortest period of imprisonment from which any good might be expected?

I should be inclined to concur very much with the last witness, that six months is the very shortest period under any circumstances; I may add that I have seen the experiment tried under circumstances which I think were more favourable for the reformatory process than a prison, and I have never seen it successful in less than twelve months.—*Graham Speirs, Esq., Sheriff of County of Edinburgh.*

3772. Is it your opinion that short terms of imprisonment are generally speaking hurtful?

I should think so, unless the boy is very young. A short term with an adult is utterly useless. Unless the culprit were very young I should be disinclined to make the imprisonment short.—*J. Ogilvie Mack, Visiting Justice of Edinburgh Gaol.*

4460. Are you in favour of short sentences or long sentences? Do you find, as far as the effect

of the imprisonment is concerned in the improvement of the prisoner, that short sentences or long have the best effect?

I do not think short sentences act very well, and there are other descriptions of punishment which do not act well; for instance, the punishment of whipping does not act well, and acquittals at the sessions do not act well. Those who are sent to be whipped and those sent for very short sentences return more frequently than those who are sentenced to six or nine months' imprisonment.—*Governor of Wakefield Prison.*

The inefficacy of long imprisonments arises in a great measure from the system at present followed of imprisoning for short periods for first, second, and third offences. When prisoners are confined for twelve or eighteen months for a first offence, it rarely happens that they appear again in prison; opportunity is then afforded for striking at the root of the evil; they are secluded and broken off from their guilty associates; means are adopted for divesting them of their bad habits and propensities, and engrafting new and better principles in their stead; mental, moral, and religious instruction is provided; idleness is corrected by labour, some useful trade is taught by which they may afterwards gain an honest livelihood, and they are gradually brought to respect themselves, and to appreciate the advantages resulting from a useful and regular life. But all these



means of reclaiming a prisoner are almost entirely rendered nugatory, when he has previously been confined for short periods. At present when a person commits a first offence he is taken before the police magistrate, and probably sentenced to ten or twenty days' imprisonment; and what can be done with him in prison? No progress can be made in such a short time in eradicating bad habits and creating new ones. On the contrary the short imprisonment has a tendency to accustom him to confinement, without feeling it as a punishment, and at the expiry of his sentence, with a stigma attached to his name, he returns to his old companions and his former courses, is again detected, and from mistaken lenity, or with the view of saving expense, is again sent back to prison, for second, third, or fourth offences, for periods not exceeding sixty days.

By this time his case is almost, if not altogether hopeless, and the sooner he is sent out of the country the better for himself and the community.

As the Assizes just terminated sentence of transportation was passed on sixteen boys. All of them had been previously in prison for short periods, and one of them no less than six times for theft; on which occasions the sentences ranged from fourteen to sixty days.

My decided opinion (formed on an experience of twenty-two years) is, that if a first imprisonment, however short, be not effectual in deterring persons from committing new offences, it is in vain to expect

that repeated short imprisonments will lead to different results. It would be a mercy to the criminal and an ultimate saving to the public, if every person charged with a second offence were at once sent before a jury, and conviction followed by at least twelve months' imprisonment; there would then be some chance of reforming him before he becomes hardened in crime.—*Governor of Aberdeen Prison.*

## EXTRACTS FROM EVIDENCE AS TO THE DETERRING EFFECTS OF PUNISHMENT.

I do not regard the punishment of transportation as effectual to the repression of offences ; but I have no reason to think that it is not as effectual as any other punishment.—*Mr. Justice Cresswell.*

Those who have not been disgraced appear to dread imprisonment ; those who are insensible to disgrace appear often to disregard it.—*Mr. Justice Erle.*

I think the deterring effect of punishment is not great. The chances of escape are great, if a criminal were to calculate on them. I remember hearing it proved, when people were hanged for uttering one pound notes, that such notes sold currently for twelve shillings apiece. The risk of death was then run for the possible gain of eight shillings on an expenditure of twelve shillings. But in truth the other difficulty is also very great. The great body of criminals act rather upon impulse than calculation, and think but little of the probable punishment at the moment of temptation.—*Mr. Baron Alderson.*

I wish I could say that the deterring effects of punishment in relation to the considerations embraced in this question were very great ; but I fear,

constituted as human nature is, that the deterring effect of punishment is in reality less than could be wished.—*The Lord Justice General.*

From my experience I am firmly impressed with the conviction, that *imprisonment* generally is a punishment which has no *terror* for the bulk of offenders, and does *not operate* in *detering* others from the commission of crimes—such as imprisonment inflicted under the sentences of British Courts, and suffered in British Gaols, must be \* \* The great end of punishment is to DETER; and I am satisfied that even on the Separate System imprisonment is not adequate to produce any important effect in *repressing* crime by any terror which it can produce.—*The Lord Justice Clerk of Scotland.*

Even on the Separate System, and for a long period, *imprisonment* has really no terror for the bulk of offenders; and the better the system, it is an undoubted result that the *dread* of imprisonment will and must be diminished. After these offenders are all taught to read, and get books to read at extra hours, if reformation is not produced, at least the *oppression* of imprisonment is over, to people of coarse minds and living a life of wretchedness out of prison. And hence, I am sorry to say, that with those who are not reclaimed in our prison, the dread of imprisonment seems to have entirely vanished. And I understand that among the community at

large in Scotland, and with magistrates and police officers, the feeling is very general, that, owing to the comforts *necessarily* attending a *good* gaol, the Separate System, looked on at first with alarm, has now no effect in *detering* from crime those who are not reformed.\*—*Appendix to former evidence.*

A second imprisonment seems to me to be very little feared, and a third one scarcely at all. It is only the first horror that does good. The frequent inefficiency of imprisonment is proved by the great numbers who, after long incarcerations in our very best gaols, return to us for unavoidable transportation.—*Lord Cockburn.*

I fear the deterring effect of punishment is not very great.—*Lord Medwyn.*

I believe that there are some offenders who have great dread of long imprisonment; but in general I do not think that it has much *terror* for the bulk of offenders.—*Lord Moncreiff.*

No doubt for offenders in comfortable circumstances, or who being industrious are capable of maintaining their families by their labour, imprison-

I have already (Vol. I. 174) ascribed the absence of reformation in the Scotch prisons to other causes. The prisoners do too much work, and they have too little time for more corrective discipline.



ment has its terrors, but these are by no means the bulk of offenders, as I conceive.—*Mr. Justice Jackson.*

I do not believe in the great deterring effect of punishment generally. I think it is over-rated. I think that a child being taken away by the arm of the law, and secluded from other children, they knowing that he is taken for punishment, and not seeing him again in his usual haunts, would have as much deterring effect as you can expect from punishment; but when a child is so dealt with, I should desire that his position should be made such as is best suited to reform him.—*M. D. Hill, Esq., Q.C.*

481. Do you consider imprisonment to be a punishment which has much terror for the bulk of offenders.

I think not at all for the bulk.—*E. Bullock, Esq.*

726. From your intercourse with offenders, both before trial and after sentence, and even after part of the punishment has been undergone, is it your opinion that the power of penal infliction to deter from committing offences is, generally speaking, in these discussions overrated? I think it is.

727. Do you consider that the preventive process by training and education, and the reformatory process, by means of confinement and of discipline in different degrees, is more to be relied upon as likely

to diminish the number of offences than the more deterring effect of punishment?

Undoubtedly. It is that which makes me so decided an advocate for a reformatory rather than a merely deterring process.—*Rev. W. Russell.*

1454. Your opinion then is, that the deterring effect of punishment is generally considerably over-rated? Yes.

1455. You would trust more to the influence of a reformatory and preventive process?

Yes.—*Rev. W. C. Osborn, Chaplain of Bath Gaol.*

2356. Is it your opinion that the deterring effect—the exemplary effect of all punishment upon persons who have not yet been guilty of offences—is over-rated by most reasoners upon this subject, and that it has not so great an effect in deterring as is supposed?

I think it has not so great an effect in deterring as is generally supposed; but I think there is this moral effect produced by punishments, that persons naturally ascribe a moral delinquency to that which they see affected with punishment.—*Mr. Sergeant Manning.*

2615. What is your opinion of the deterring effect of the punishment of imprisonment together with hard labour and solitary confinement?

On the whole I should say that imprisonment has

very little deterring effect. I would qualify that by saying that in the case of first offences, or of persons in a somewhat better class of life, it has a deterring effect; but there I think it is rather a proclamation of guilt, and the loss of character and caste, consequent upon it which operates than any fear of the punishment itself.—*Right. Hon. F. Shaw, M. P.*

3666. What is your opinion generally of the deterring effect of punishment; do you consider that it has been over-rated, and that punishment really has not so great an effect as is supposed and hoped for in deterring others?

I am afraid that it has not any great effect, looking at the result, at the number of re-commitments after prisoners had been in some of the best prisons; for instance the number of those sent from the Perth general prison to our prison is very large.—*Governor of Edinburgh Gaol.*

EVIDENCE AS TO ALLOWING WAGES FOR OVER-WORK  
DONE BY PRISONERS.

3392. From your experience of prisoners, and of the execution of criminal law, do you agree with those who consider that the deterring effect of all punishment is somewhat exaggerated in the common belief of people; that without saying that it has no deterring effect, it is not to be so much relied upon as many people think?

I do not think imprisonment is much to be relied upon; and I think that the endeavour to combine reformation of the criminals with the deterring others has not had the effect of deterring those out of prison from committing crime, because in periods of difficulty in getting work, when those parties know how comfortable the prisons are, they are less unwilling to commit an offence because they may be sent there. And another element that in my opinion has operated rather prejudicially in Scotland is that the prisoners have had a right to what is called their over-work. The labour in all the Scotch Prisons is useful and profitable labour, and the prisoners are employed ten hours a day for the prison; what work is done beyond that is over-work, and the prisoners have had it, as a matter of right, on liberation; whereas any thing that a prisoner can claim as a matter of right, while a prisoner, and because of his labour after conviction, seems to me to be inconsistent with the deterring principle. We

have had cases of prisoners, calling themselves creditors of the prisoners, using arrestment in the hands of the Governor of the Prison.

3394. You think that work being found in the prison at a time when it may be difficult to find work out of doors offers a temptation to parties to commit crime?

Yes. We have, at the General Board of Prisons for Scotland, framed new regulations, which are now before Sir George Grey for his sanction, whereby the right to any over-work is excluded. There was, however, a slight difference of opinion on this point; I believe the Inspector of Prisons in Scotland is rather in favour of continuing these supposed rights of the prisoners, but the General Board came to be of the opinion that it was injurious; and one of the regulations submitted to the Secretary of State, for approval, puts an end to the right to over-work; and we have proposed that the Governor shall have a discretionary power, if the prisoner shall be well conducted during the time he has been in prison, to allow him something in the shape of money or clothes on his liberation.

3397. How much have you known any man receive for over-work when he was liberated?

I remember one instance of a lad who was liberated at the time I happened to be on a visit as a Director at the General Prison. We were in the bake of the house, another prisoner was there employed, and he carried on signals with some one going out, and he



said "John or Thomas so-and-so has been here, and he has gone out with 3*l.* 4*s.*"

3398. How long had he been in prison?

Twelve months at least.

3399. You say that the attempt to combine those two results, the reformation of the criminal and the deterring of evil-disposed persons, has hitherto failed. Do you think your experience of it has gone on so far as to enable you to give that opinion generally?

No. I would speak with the caution which I feel to be proper in such a case, because we have not had very long experience; but looking to the experience of five years, and the result, which shows that sixty-seven per cent. of those who have passed through the general prison have been ascertained to have been re-committed, it does not seem to me that the combined system is producing such good effects as could be wished.

3400. What part of the reformatory system is it which you think makes the expectation of the prison less hateful to those people who are to be reformed, because our general experience shows us that those people very much dislike that which is reformatory?

The feelings seems to be that when they get useful and profitable labour, books to read, and the instruction of the teachers,\* and their society for the

\* In a former part of this evidence we find this question—"How many minutes in the day is each taught? Upon the average seven or eight minutes." The inference then is plain. The profitable labour interferes with corrective instruction, and reformation is prevented. See Vol. i. chap. viii.

time, the mind is relieved of the tedium of imprisonment.

3401. Then you consider that useful labour is the reformatory part that is objectionable ?

It is a part. The having constant occupation at useful and profitable labour with a view to make the prisoners useful members of society when they go out, combined with good food, better than they can get when they are out of prison, and combined also with education, (for they are taught to read and write,) all those things seem, at present, so far as my experience goes, to diminish the deterring effect. I do not think that our system has worked well with reference to prisoners generally, in so far as that combination of reformation and deterring has hitherto gone. In my opinion all our first imprisonments under police and other regulations, and even some of them under the sheriff's regulations, are most injurious. Instead of a lad being imprisoned for the first time, say for ten days, for theft, if he were imprisoned much longer and kept separate from all others, (which I conceive is a material element), the separation from evil society and giving him the benefit of a course of sound education would, I think, have a very good deterring effect upon others combined with reformation of the criminal himself.

3402. Then the length of the longer imprisonments under this Separate System, in which they are not allowed to associate at all with each other, does not compensate for the advantages and enjoyments which the prisoners possess ?

Separation from society is the only element we have in our prison system of a deterring kind; taking away their work prisoners consider a punishment.—  
*Evidence of R. Whigham, Esq.*

3667. Have you had any opportunity of observing the working of the system in the General Prison at Perth?

Only as far as the re-commitments to the Prison at Edinburgh; we have sent a large number from the Prison at Edinburgh to the General Prison at Perth; and a very large number have been re-committed.—  
*Governor of Edinburgh Gaol.*

## EXTRACTS FROM EVIDENCE ON TRANSPORTATION.

\* \* \* Transportation, or exile after a period of imprisonment here under a sentence of transportation, has, in certain cases, been substituted for it.

What do you mean by "exile?"

I mean removal to the Australian Colonies for the remaining period of the original sentence.

When was that begun? In 1842.

Has that been acted upon to any great extent?

Not to any very great extent.

Can you state how many in the course of a year?

About 200 or 300.

Do they all go to one place?

They have all gone to one place—the district of Port Philip, in the southern part of New South Wales.

Have you received any information as to the manner in which they have conducted themselves there?

Most satisfactory information.

Were they under any restraint when they got there?

No; they had a conditional pardon: they were there as free settlers. The only restriction upon them was, that they should not return to this country during the remainder of the term of their original sentence.

Then that system of transportation, after a period of labour and probation, has turned out well, in your judgment?

After a period of separation, and corrective and reformatory discipline in separation, it has turned out, in my opinion, most satisfactory.

Was it accompanied with labour?

In all cases with learning a trade, or practising a trade with which they were previously acquainted; not what is penally called "hard labour," but such trades as shoemaking, weaving, basket-making, and other handicraft occupations.

Do you not consider that with convicts of that kind, in order that the sentence of transportation may have its deterring effect, they ought to be sent away as quickly as possible to their destination in the penal colony?

I am not of that opinion. I think that the deterring influence of the sentence would not be much diminished if it was to be carried ultimately into effect; but preceded by a course of corrective and reformatory discipline, in separation, we should thus secure the advantages resulting from the reformatory process without diminishing materially, if at all, the deterring influence of the sentence of transportation.

Then it is your opinion that the best way to deal with a man who is sentenced to be transported for fourteen years is first to imprison him for two years and then to send him to Van Diemen's Land for twelve?

Yes. I think the best plan would be, first to imprison him here, under circumstances calculated to correct and reform him, and then to send him to an



Australian or some other distant colony, not naming any one in particular, but decidedly not a penal colony, and where he should be under no penal restraints, unless he commits a fresh offence.

Is that what you mean by transportation ?

It is ; and I think it would be much felt by the convict population.

Do you believe that a hardened receiver of stolen goods, who has been twenty years in the trade, would have as much dread of being kept two or three years in this country, and afterwards being sent for eight or ten or twelve years among fellow emigrants to a free colony to do as he chose there ?

I am decidedly of that opinion.

And that that would terrify him as much as being sent away after he was convicted for fourteen years to a penal settlement, worked in a prison dress, and obliged to labour in a penal gang ?

I believe that if he were to be placed in strict seclusion and separation for a period of from eighteen months to three years, according to the length of the sentence, to be followed by removal to a distant colony, particularly of an agricultural character, where he would be removed from the town habits, pleasures, and indulgencies to which he has been accustomed, the man would feel that as a punishment quite as much as the being sent at once to a penal colony, with a strict penal system.

Do you mean to say that your opinion is, that after being kept two years reforming here, the

working for twelve years afterwards as he chooses himself, and at perfect liberty, in a colony, would have as great terror in his eyes as the being since the moment he gets to the colony to be put into a penal gang, and worked like a galley slave under the superintendence of a driver?

I can only answer the question from my experience. In the examination of transports for classification, I frequently find that when they perceive by my line of questions that there is a probability of their being removed to Pentonville Prison, it is no unusual observation of theirs to say, "I hope, Sir, you are not going to send me to the model, but that you will let me go abroad at once," though it is now well understood that the system enforced in the penal colonies is very severe.

You recommend as part of the sentence a period of imprisonment and seclusion for a period of eighteen months to two years; do you believe from your experience that with the great bulk of convicts it would be practicable to continue the discipline of Pentonville or of Parkhurst for the period of from eighteen months to two years without serious risk?

From close examination of the subject, I believe that such a system of discipline as that at Pentonville may be enforced with perfect safety for even a period of three years. The period of eighteen months to be applied to sentences of transportation not exceeding ten years; two years for sentences not exceeding fourteen or fifteen years; two years

and six months for sentences of twenty-one years ; and three years for sentences for life. And I will state the grounds upon which I form that opinion. We have had prisoners at Pentonville as long as from twenty-two to twenty-four months. The Surgeon-superintendent of the Sir George Seymour, who took out between three and four hundred whose terms of imprisonment in Pentonville Prison had been from fifteen to twenty-two months after different terms of detention in other prisons, stated in an examination before the Commissioners, that he saw no difference between the prisoners who had been those terms in the prison ; that he could not observe any difference in the condition of the men, intellectually or physically, between those who had been fifteen and twenty-two months (nearly two years) under that discipline ; that he did not observe any deterioration or loss of strength in them as compared with other convicts ; and that he should say that their faculties were in a more vigorous and healthy condition than any other prisoners that he had hitherto observed (although he had taken out three convict ships previously) ; that they were decidedly in a more wholesome condition altogether ; that they were morally better, and physically as well as any other class of convicts. This is one of the grounds upon which I rest my opinion as to the safety of enforcing lengthened terms of separate confinement, and I could add many others.

You say there is nothing those people dread so

much as being transported,—that they do not dread imprisonment so much as being transported ; would they more dread being imprisoned two years, and then transported to a penal colony for twelve years, or would they dread most being at once, in a week or ten days after their conviction, transported to a penal colony ?

I think there is such a dread amongst the criminal class of the system of separation being immediately brought to bear upon them, that they would dread the punishment of separation for such a time, followed by removal to a distant colony, as much as immediate transportation to a penal colony.

To what class of people do you apply your observation, that some have been obliged to be put in the company of others for fear of committing suicide ?

To those just sentenced to transportation.

Would not the sentence tend to have that effect of driving them to suicide, if they thought they were to be transported in three or four weeks after their conviction ? Certainly.

Then has not immediate transportation a very powerful effect in terrifying a person ?

I have no doubt that it has a very powerful effect ; but I believe that if the sentence were of the other kind (i. e., transportation preceded by eighteen or more months' separate confinement at home), it would have an equally powerful effect.

Your notion of a perfect system of penal punish-

ment would be, imprisoned under discipline for a certain time, and then to be sent away to a distant colony, without any restraint whatever, for the remainder of their term? That is so.

Take this case :—Supposing a prisoner were to become most cheerfully industrious, and to work very hard during the two years, and never to be guilty of the slightest offence during his imprisonment, and to give universal and unvarying satisfaction to all about him during those two years, should you not think that it was a hard thing if at the end of those two years he was not to be restored to society altogether, the utmost confidence being entertained that he was a completely reformed criminal?

Certainly not; I should feel that to send him abroad would be continuing the course most advantageous to himself, and that sending him back to society in this country would be the greatest unkindness you could do him.\*—*Rev. W. Russell.*

\* I feel very confident that Mr. Russell was quite right in his opinion here strongly expressed. There are convicts now in the Gaol at Reading whose behaviour has been most satisfactory since their committal, but to whom permission to remain in this country, even under the most favourable circumstances “would be the greatest unkindness.” It was but yesterday that the father of one of this class came from a distance to visit his only son, bringing with him a letter from a clergyman, in which he tells me that the father is a man of superior intelligence, and a religious as well as moral character. I had much conversation with him respecting his son, and certainly never met with a man who shewed more sound judgment, combined



My opinion, strengthened by that of all my brethren with whom I have had the opportunity of conferring, is, that it would be unsafe and highly inexpedient to dispense altogether with transportation. By the present law I am not aware that there is any offence punishable by transportation which ought not to be so punished.—*Lord Denman.*

My opinion is strongly in favour of transportation as a punishment, and mainly upon the ground that it removes the offender from his old habits and associates, and, if properly dealt with abroad, introduces new habits and new ideas, under the influence of which reformation may take place. There is

with ardent parental affection. After his interview with the criminal, I again saw him. The agonized heart of the father for a while forbade utterance; then clasping his hands, with an expression of countenance, not to be described, but certainly not to be forgotten by him who saw it, he exclaimed, "Thank God for what I have seen to day! I never hoped to see such a blessed—blessed day as this! What a change, thank God!" When the poor man was sufficiently recovered, I questioned him as to whether he would desire the return of his son to his own home. After a moment's hesitation, he answered, "No Sir; I can't wish that. I have got a father's feelings, and he is a very affectionate son, he is perhaps too kind-hearted, but I am afraid his coming home again would be the worst thing that could be for him, his good temper could not resist the temptations of the company he mixed with. I must help him with all I can to get a living where he may go to."

besides little reason to expect or hope that a person who has committed such a crime as is usually punished by transportation would ever obtain such honest employment in this country as would prevent the inducement of want for his relapsing into crime. As far as my experience goes, transportation is generally much dreaded as a punishment, and chiefly, I believe, for the reason that induces me to approve it,—the removal of the offender from all his old associates and habits; as long as he remains in England, under whatever circumstances he may be placed, he feels within reach of his old associates, and is not without hope of rejoining them. Cases no doubt may and do occur where the separation may be felt with more than usual severity, but, as far as I am able to judge, few families are the better for retaining in this country, after a period of imprisonment, a father, husband, or son who has been guilty of such a crime as subjects him to transportation. It is also possible that cases may occur when from the station in life of the offender, or some peculiar circumstances, the punishment of transportation may appear more than ordinarily severe; but it is impossible to legislate for individual cases, and they who condescend to commit crimes punishable by law with transportation must not be heard to complain that in their cases the punishment is more severe than in ordinary cases, even if it is so, which, except in some very rare instances, may well be doubted.—*Mr. Justice Wightman.*

I look upon transportation, by which I understand a penal removal of offenders to another country, as a proper punishment to be retained in the case of all criminals. It is a balance of evils, and the less evil is in retaining it. \* \* \* The evil of transportation as it now exists seems to me to fall on the colonies, the mother country, even at present, has much benefit from it. Whether it be just to inflict such an evil on the colonies is quite a different question, and one on which I entertain grave doubts. I am clearly, however, of opinion, that nothing can justify the mother country in sending out such criminals without a previous Penitentiary System being adopted to make them less unfit to become useful members of a new society. I think if such a system were adopted, and those only sent out who appeared likely to behave well, much advantage would follow, as in a new country where labour is at a premium they would have a better chance of permanent amendment. As to the incorrigible, I think the mother country ought to keep them in imprisonment during the term of their transportation. There are some odious offences for which that punishment, even for life, and which should include separation, appears to me the only proper course to pursue.—*Mr. Baron Alderson.*

It is frequently found that offenders, both lads and particularly women (with the latter of whom transportation is generally an object of great abhorrence),

are heard to beg *for* the punishment of transportation rather than imprisonment, and are known to declare that it is the only thing to save them from ruin. But it is a great mistake to suppose that this feeling arises from a greater dread of imprisonment, or from transportation itself not being regarded as a fearful fate. These unhappy creatures are often persons who would gladly escape, if they could, from the overpowering misery and wretchedness of the life they are actually leading,—especially women; but imprisonment, (whatever they have been taught in gaol, and even after many good impressions have been produced,) only returns them to the place of their former habits and associates; they cannot get employment; they are distrusted by all; occupation they have none; their former companions get round them, and they are assailed with temptations on the one hand and utter destitution on the other; and they find themselves against their wishes, and after struggles and attempts (which I have often heard of with deep interest) to keep themselves aloof from former guilt, at last gradually dragged back into the habits and the crimes which give the means of a wretched and precarious subsistence, until they are again convicted and again imprisoned. Such persons often feel the greatest desire to escape from their mode of life, and know transportation to be their only chance. But so far from this feeling, often expressed and often entertained, making *against* the punishment of transportation, it is, in my opinion, the

strongest practical proof of the inefficiency of imprisonment, as to a great class of offenders, as the means of *detering* or *reforming* them. This feeling as to transportation is on the part of the criminals themselves the confession that *imprisonment* is useless, and has been found by them to be useless, when respectable employment cannot be secured after liberation,—a result certain to happen as to the great bulk of offenders.—*The Lord Justice Clerk.*

I do not think that any measure that can be devised will be *effectual* to *repress* offences. But I am of opinion that transportation has great terror for certain classes of the community, and that for other classes, who do not well understand what it is, it carries with it very little, if any, terror. It is certainly impossible for any one to say that it has been *effectual* to *prevent* the commission of crimes; but I nevertheless think that it has been in many ways useful in repressing certain offences, and by the removal of hardened offenders from the country preventing much of the evil arising from their organized associations. And for the young offenders, when they have come to a certain state of irretrievable character in this country, I think that, *if well regulated*, it affords a *chance* at least of change of principles and habits, which would not be obtained by any other arrangement which I have yet seen in practical exercise.—*Lord Moncreiff.*



I think that in a great many cases transportation is calculated to be much more effectual for the repression of offences than punishment by confinement in this country, in the manner hitherto practised, and no other mode of confinement occurs to me to be likely to be attended with materially better consequences. It humbly appears to me, that none could be expected to ensue, if after the expiry of the period of imprisonment such offenders (I mean those who at present would be condemned to transportation) were not required to leave the kingdom, and some method devised to secure their exclusion, but at once turned loose upon the country. In any other view, I should conceive that nothing was to be looked for, in the great majority of instances, but a return to their former vicious courses.—*Lord Wood.*

The Separate System as in operation in the prisons at Pentonville, Glasgow, and the Penitentiary at Belfast, appears to me to afford a greater chance of reforming culprits than any other kind of punishment or discipline that has yet been discovered or suggested; followed by transportation in cases where that punishment is to be retained it may, I think, be fairly expected to be generally effectual for all the purposes intended to be effected. In Ireland, however, there are not at present any means for carrying on such a system of discipline, except at Belfast; and I regret to say that there are now a vast number of persons under sentence of transportation for

crimes of such a character as to render their permanent removal from the country absolutely necessary ; and there can be no doubt that if they were previously subjected to the discipline and instruction of such institutions as Pentonville, the same beneficial results would be produced as those which, as I understand, have been already experienced from them. The employment of these convicts in public works might be resorted to as a temporary expedient, but I believe that the trials that have been made of this measure have not tended to recommend its adoption ; and certainly the employment of Irish convicts on any public work in Ireland would be in the highest degree inexpedient, and in my opinion be most mischievous. The cases in which I would retain the power of transportation (not being able to devise any substitute for it) would be those in which from the nature of the crimes, and the hardened guilt of the offender, it would probably be unsafe, with a due regard to the general safety and interests of society, that the convict should be allowed to be at large in this country.—*The Lord Chief Justice Blackburne.*

I cannot conceive that this country can benefit by giving up such a safety valve as our colonies afford for removing criminals from among our increasing population.—*Lord Medwyn.*

The use of transportation, where imprisonment has failed, is, that it *breaks all the habits and asso-*

*ciations* of the youthful offender, and gives a chance of his coming to a right use of his understanding, for his own present and eternal benefit. It certainly requires much regulation ; but I should not think that this is beyond the reach of legislation or judicious arrangement.—*Lord Moncreiff.*

Can you state the number sentenced to transportation in a year ?

I have no return with me for Scotland or Ireland ; but in England and Wales, in 1844, there were 3,437 sentenced to transportation. In the year 1845, the number sentenced to transportation was 3,092 ; male adults, 2,427, 278 female adults, 364 juvenile males, and 23 juvenile females, making a total of 3,092.

Do you know what is the proportion in Scotland and Ireland ?

In Ireland I think there are about 500, and in Scotland perhaps the same number. There has been a diminution in the number sentenced to transportation of late. In 1842, it was 4,229 ; 1843, 4,166 ; 1844, 3,437 ; and in 1845, 3092.—*Rev. W. Russell.*

With reference to the deterring effect of any other sentence as compared with transportation ; suppose a sentence that a man should be imprisoned for eighteen months in separate confinement, and that after that he should be worked for two years in hard

labour, and afterwards sent abroad, but that he should be allowed after being sent abroad to Australia to go where he pleased, do you conceive that that would or would not have as much deterring effect as the sentence of transportation carried into execution in the ordinary way?

I am inclined to think that what is now described would be regarded by prisoners as more severe than transportation in the ordinary way.—*F. Hill, Esq.*

1835. Is it your opinion that prisoners when they come to Millbank under sentence of transportation would prefer immediate transportation, or passing through the discipline of Pentonville?

Unquestionably immediate transportation. \* \*  
I think that a convict would look upon a fifteen months' imprisonment of itself a severe punishment, if the separate system were carried out with the same rigour that it is at Pentonville.—*Capt. Groves, Governor of Millbank Prison.*

1955. Are you enabled to form any comparison between the relative impression made upon the mind of a prisoner by a sentence of transportation, supposing that it is carried into effect immediately, and a sentence of the sort of transportation to which the convict is subjected after having passed eighteen months in Pentonville? Which do you think would have the most deterring effect upon a criminal?

The greatest part of the criminals that have passed under my notice would certainly have chosen immediate transportation, though under so much greater disadvantages, rather than the eighteen months separate confinement with all the advantages of exile, as it is called, subsequently. I am quite clear upon that.—*Rev. J. Kingsmill, Chaplain to Pentonville Prison.*

2720. Do you think that it would be unsafe to dispense altogether with the punishment of transportation in those cases in which parties are now sentenced to transportation?

So far as my experience goes I certainly do think it would be very unsafe that transportation should cease in this country. I can only look to what I consider would have been the effect if transportation had ceased some years ago; I think the state of this country would have been dreadful at the present moment. I certainly consider that the state of this metropolis and of other large towns would have been similar to that of Paris; for we know that a criminal population collected together in hordes are always the ready instruments of popular violence.—*Capt. W. J. Williams, Inspector of Prisons.*

2509. You have stated the extraordinary increase in crime in Norway. What is the opinion in Norway as to the cause of that increase?

There is great difference upon that. Some say that it is want of education; others say that experi-



ence has not proved that the want of education increases the number of crimes. The education in our country is not perfect; it is an education which is given to all members of the community. It is compulsory. All persons can learn at least to read; great numbers of them can write also. It is in the great cities principally that this immense increase has taken place; in Christiania principally. There has been, I think, condemned or tried one out of ninety of the population yearly in some years.

2515. Have you in the country many persons living at liberty who have passed a considerable time in prison for crime? We have.

2516. What becomes of them?

A very great part of them remain in the vicinity of Christiania. It is, therefore, that that city is so infested with offenders.

2521. Is there a great number of bad people at Christiania?

Yes; I think there are 1,000 discharged prisoners in the city and its environs. The great cause of the increase of criminals is partly that the population of the whole country has very much increased of late years, and perhaps more than the means of subsistence. The population of the country in 1815 was 900,000; now it is near 1,300,000.

*Herr Munch Ræder*, commissioned by the Norwegian Government to visit this country, for the purpose of examining the working of the system of trial by jury, civil and criminal.

2900. Including taint of character, do you think it would be very practicable under those circumstances for even a reformed convict to obtain employment in this country.

I am sure that under either the present state of things, or any contemplated state of things, it would be exceedingly difficult for a reformed convict to acquire an honest living in this country.

2901. During the interval between the discharge of such a convict and his acquiring the power of obtaining an honest living, would he not be exposed to all the temptations of reverting to his former courses? Undoubtedly.

2902. Have you any doubt that, in a great community like that of London, he would in that way be driven to new offences and new crimes?

I have no doubt whatever that an adult criminal discharged, after having suffered a period of imprisonment here, would almost, by the necessity of circumstances, be driven to the commission of crime.

2903. Have you had any means of access to communications which convicts have made from abroad to their friends at home?

I have. I believe they were very generally highly coloured as to the advantages of colonial life.

2904. With reference both to the power of his obtaining employment and to the absence of temptation, assuming that a convict has been reformed abroad, do not you think he has a better chance of obtaining the means of living by honest industry, and of es-

caping temptations to crime, than he would if he were discharged in the centre of London or in the manufacturing districts of England?

Undoubtedly. A new country presents far more opportunities of regaining a position, or of obtaining one, than can be the case with reference to an old country. In illustration of this, I may mention that I have with me now a Report of the prisons in Massachusetts, in which it appears that 3,500 prisoners confined in fifteen gaols in that country were enabled to maintain themselves, and defray the charges of the gaol during their imprisonment; and they were all readily absorbed by the demand for labour as soon as they were discharged from it.

2905. Does that Report from the Province of Massachusetts enable you to say whether they were absorbed in the labour market of Massachusetts itself, or whether they were induced to go to a new settlement to obtain employment?

I am enabled to give an answer to that question from the fact that Mr. Lewis Dwight, the Secretary of that society, has given me an explanation of it. He states to me distinctly that they have been absorbed by the surrounding demand for labour. That, in point of fact, their imprisonment in these gaols is attended with so little loss of character from the excellent arrangement of the system, that the citizens of Boston and the surrounding districts have not the slightest hesitation in taking prisoners when they are discharged.—*C. Pearson, Esq., M.P.*

EXTRACTS FROM EVIDENCE AGAINST ASSOCIATING  
PRISONERS FOR LABOUR ON PUBLIC WORKS.

LIEUT.-COLONEL JEBB, Surveyor-General of Prisons,  
is called in and examined as follows :

2015. Your attention has been recently turned to the point, whether any system of public works could be established in this country ?

The Secretary of State directed me to report upon the details of a plan which the Government had it in contemplation to carry out, arising out of the circumstances which led the late Government to suspend transportation for a period of two years, which they had. Of course, in forming my calculations, I had to assume certain data, and assuming that the sentences which heretofore had been seven and ten years' transportation were commuted to periods of three, four, or five years' imprisonment in this country, and that we had by our experience at Pentonville ascertained pretty nearly the period which would be safe for enforcing separate confinement, (which I took at an average of twelve months), I assumed that four years might be the average period which possibly would be passed by the great mass of the adult convicts in this country ; one year of which would be passed in separate confinement and the remainder on public works. Excluding those who from physical disability were not likely to be sent upon public works, and exclu-

ding juveniles and females, I estimated that there would be upon the hands of the Government at the end of four years about 8,000 men ; 2,000 of whom would be passing through the period of one year separate confinement, and the remaining 6,000 on public works. In the first instance it was proposed to construct a harbour of refuge at Portland, and about 1,500 men might be advantageously employed there for many years ; then upon the average 1,000 at each of the dockyards would be advantageously employed, and the harbour at Holyhead was talked of, and other great works, besides the works at Bermuda and Gibraltar. There are also fortifications and other great national works under the Admiralty, which in consequence of the vast expense would not be undertaken by the Government unless they had some available labour to employ.

2020. Is it a part of your plan of employing those 6,000 men that their employment should be, for instance, the dockyards of Plymouth and Portsmouth, under the eye of the public ?

To a great extent ; but they would be under very different circumstances from the convicts employed upon the old hulk system. As far as I can judge of the moral result of separate confinement at Pentonville, I think a very great moral result has been accomplished there, and that if they were brought from the Pentonville system into a modified system of association, with a view to their industrial training on public works, and if a small proportion of



wages were given them, and they had the same stimulus to labour which has been applied at Gibraltar and Bermuda, by the engineer department, with good effect for many years, I think it would confirm in a great measure the industrial training which they had received.

2021. Would they not be known by the public who saw them to be convicts ?

Certainly ; they would work in a particular dress.

2022. In public.      Yes.

2023. Is it your opinion that it is a wholesome system of punishment, either for the public or for convicts, to work them by compulsion in public ?

I do not think that if they are specially degraded in any way it can do otherwise than have a very bad effect.

2024. The question refers to the case of their working in a particular dress ?

As a general principle I think it would have a bad effect, and working on public works in convict gangs has been always and very properly reprobated.

2053. You have given in your plan to the government for temporary barracks, which are to be erected on Portland Island ?

Yes, I have. Sir George Grey expressed a strong opinion against confinement in the Hulks, and desired me to report upon some means by which provision could be made for accommodating a large body of convicts at Portland. I found that any

thing like a permanent building would cost so much that it would be out of the question, for a limited period of four or five years, that they might be employed there. I therefore turned my attention to a principle of construction which would secure the advantage of being removable. The building was proposed to be partly wood and partly of iron. The general plan is that of large open halls, of which any number might be disposed so as to form a large establishment. Each hall would have small sleeping cells on the sides, arranged on galleries, so that every man would have a separate cell large enough to sleep in, and he would take his meals and receive instruction in the open hall.

2054. It would be impossible not to admit intercommunication among the prisoners ; there would be no restraint upon intercourse ?

The plan of discipline would, I assume, be this : the prisoners being removed from the Pentonville system, where there is an opportunity of forming an opinion of their characters, would be taken to Portland, or elsewhere, perhaps, 100 of them at a time ; they may so then be divided into gangs of ten or twelve each, which is a convenient number, and a paid officer would be attached to each gang ; those gangs would be marched off, each under the superintendence of an officer, and would be employed on whatever work there was for them to execute. They will in like manner be marched back to their cells at night or to their meals.

According to the plans to which I have adverted, I estimated the expense of providing efficient accommodation in removable buildings at from £25 to £35 a head for a large body of men.

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Do you approve a plan of making prisoners for grave offences and hardened criminals labour in public, as by working steam vessels or otherwise, closely confined, but seen by the public?

I entirely disapprove of such a mode of punishment.—*Lord Denman.*

I see no advantage, and some objections.—*Mr. Justice Erle.*

I should think this plan very objectionable.—*Mr. Justice Coleridge.*

I do not approve.—*Mr. Justice Maule.*

This plan may have some advantages, but I think the disadvantages preponderate.—*Mr. Justice Cresswell.*

I disapprove of this altogether. I believe such an exhibition would be very offensive to people in general, and would make the criminals objects of pity if the attention of the public were called to it; and if it were not, it would be of no use whatever. I do not by this, however, intend any disapproba-

tion of the employment of persons on public works, which I think very proper.—*Mr. Baron Alderson.*

I do not. I think it makes the convict a worse man, without a commensurate advantage to the public.—*Mr. Justice Coltman.*

I incline to think that the public exhibition of criminals undergoing their punishment is likely to be very injurious, by sometimes exciting undue sympathy, and sometimes hardening the feelings of those by whom the criminals are contemplated.—*Mr. Baron Rolfe.*

I cannot express an approval of any such plan as is suggested in this question, as I am unable to persuade myself that such a spectacle as it contemplates would be at all suitable to the feelings or habits of the British public. If labour on public works is deemed a suitable punishment for certain hardened criminals, it appears to me that it should be undergone under proper superintendence, but in situations remote from public view ; and that it would be quite sufficient that it was known that certain places were appropriated for the confinement and punishment of a certain class of offenders.—*The Lord Justice General.*

See opinion of the Lord Justice Clerk.—*See vol. ii. p. 35.*

I do not ; by which I mean, that, if practicable,  
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I think transportation better. If, from expensiveness, colonial corruption, or any other cause, transportation be impracticable, then making great criminals like public slaves may be unavoidable. But I do not see how it can tend to reform; and I suspect (and almost hope) that the people of this country would not willingly submit to the spectacle. But though not reformatory, this punishment would, apparently, have horrors sufficient to make it terrify.—*Lord Cockburn.*

I think such a plan would be offensive to the public in this free country.—*Lord Medwyn.*

I can only answer to this question, that I regard such a plan of making prisoners of any kind *work in public, under chains or restraint*, with very great dread.—*Lord Moncreiff.*

In this country I should think that the plan mentioned in this query is not an advisable one, and would be generally disapproved of.—*Lord Wood.*

I do not.—*Lord Chief Justice Blackburne.*

I think a total separation of the convict from his family and friends, and from public view, preferable to a public exposure of him in the character of a Galley Slave, and this both in reference to his personal improvement and to the effect upon others.—*Mr. Justice Crampton.*



I think the public exhibition injurious.—*Mr. Justice Perrin.*

\* \* Strongly of opinion that a public demonstration of criminal suffering has not been, and is not likely to be, productive of a general beneficial effect.—*Mr. Justice Burton.*

I do not think the exhibition of hardened criminals while at work would much affect them; and, upon the whole, I do not see any advantage from the adoption of such a course, but rather the contrary.—*Chief Baron Richards.*

I think public opinion would revolt against any general public exhibition of criminal suffering. I think it would be injurious to the public, and not beneficial to the criminal.—*Lord Chief Baron Pollock.*

Do you approve of a plan of making prisoners for grave offences and hardened convicts labour in public, as by working steam vessels or otherwise, closely confined, but seen by the public?

I object to the public witnessing the spectacle of punishment altogether. I think it does no good to the public, and has a deteriorating and hardening effect upon the criminal.

Does not it tend to make them shameless?

It tends to make them shameless. And again it

is painful in the inverse ratio of the desert of the criminal. It is more painful to the well-disposed and less painful to the vicious.

Does not it tend to make them callous?

I think it must tend to make them utterly callous.

And hostile to society?

And hostile to society.—*M. D. Hill, Esq., Q.C.*

577. What is your opinion of the plan of working convicts during any part of their sentence in gangs on public works in England?

I believe that it would debase the minds and harden the consciences of the convicts, and that it would have a like effect upon that portion of the public who might be brought to observe them.

578. What is your opinion with respect to making it the first stage, or any stage?

In any stage I believe that it would be impossible to free it from the most unhappy consequences.—*Rev. W. Russell.*

1041. What is your opinion of the effect of working in public in hardening convicts or reclaiming them?

I think that if convicts are under an exclusively coercive system of discipline, it is most injurious, and tends to harden. And generally I think there is a great mistake in supposing that benefit is derived to the free from seeing punishment. I think that punishment should be known to be certain, but not be seen by the public.—*Capt. Maconochie, R.N.*

2354. Are you favourable or adverse to the plan of working convicts in gangs on the public works? Do you consider that it has a tendency to harden the offender, and that it is bad for the public?

I think in many cases it would have a tendency to harden the offender, but I do not think it would be productive of any injury to the public as the spectators of the punishment.

2355. Do not you consider that the seeing it has rather a hardening tendency?

I rather think not; I think it would rather deter; although I consider that the frequent repetition of such a sight would tend to harden.—*Mr. Sergeant Manning.*

2613 What is your opinion of a punishment which should consist of working convicts in galleys or on public works exposed to the view of the public; do you consider that that would be beneficial or not in its effects upon the convicts?

I should doubt the effect being good. I have seen men working in that way in gangs at Woolwich; and when you see them working industriously and in an orderly manner, with chains round their legs or with any brand of infamy, I think it rather produces compassion and sympathy, than a deterring effect upon the public mind, and that it has a tendency to confound industrial labour and criminal punishment.

2614. Do you think that it has a hardening

effect upon the prisoners, and makes them callous to shame? Yes, I rather think it has.—*Right Hon. F. Shaw, M.P.*

2718. What is your opinion of the effect of putting convicts to public works, in gangs, so as to be seen by others; are you favourable or unfavourable to that? Do you think it has a hardening effect on the prisoners?

I can scarcely give an opinion upon that, not having seen how the English mind would take a thing of the sort. I have seen it abroad.

2719. What is the effect upon prisoners; does it tend to make them callous?

I have no doubt of it.—*Captain W. J. Williams, Inspector of Prisons.*

3044. What is your opinion of the effect of the punishment, either upon the bystanders or upon the men themselves, of making them labour in gangs, exposed to public view?

I have never seen it tried. I am afraid that they would become so familiarised to it, if it were common, that any serious impression would be removed. That is the natural effect when we are accustomed to see a thing done every day. For instance, in the case of flogging in the army some years back, when it prevailed very much, it became a matter of perfect indifference to the men to witness the flogging when inflicted weekly, or twice or thrice a week.

3045. What effect do you think working in gangs exposed to the gaze of the public is likely to produce upon the criminals themselves ; is it likely to harden them, and make them shameless ?

I consider that all severe punishment is likely to harden the prisoner.

3046. The question refers peculiarly to being exposed to the view of the public ?

I think it would harden them ; I do not think it would improve them.—*Captain Hansbrow, Governor of Lancaster Castle.*

3158. Does it fall in your way to know much about the convicts in Portsmouth working upon the works ?     Yes ; I see them often at work there.

3161. What is your opinion of the effect of that description of punishment upon prisoners,—the working in public ?

I think it depends upon the situation the man had been in previously. Some men would feel very much ashamed, others would think nothing of it. From being constantly seen day after day, perhaps, that feeling would wear off.

3162. Is the punishment the hard work or the exposure ?

I do not think they think much of the exposure after a certain time. They feel it at first, but they get accustomed to it.

3163. Do you think they get shameless and hardened ?



I think they do after a considerable time.

3164. What effect do you think it has upon the population of the place, upon the bystanders ?

I think we are so accustomed to see it that we scarcely notice it.—*Governor of Portsmouth Gaol.*

What is your opinion of convicts working on the different works in Scotland ?

I think it would not do in Scotland at all. I think it would be looked upon as interfering with the ordinary labour of the Scotch people, and I also think that the Scotch feeling would revolt against it.

3426. Not only on account of its interfering with labour, but you think the public feeling would be against it ?

It is my decided opinion that the public feeling would be against it, not only as an interference with the ordinary labour of the country, but against it on principle, that such an exhibition is a thing that they would not like to see.

3427. Would it tend to produce sympathy with the criminal rather than with the law ?

I think it might have that effect.

3428. Would it have the effect of hardening the criminal ?

I have not the least doubt that whether they were in steamboats or on public works it would have that effect.—*R. Whigham, Esquire.*

4195. Do you consider the working prisoners

upon a penal gang at public works, as at Portsmouth, has a good effect upon the convict ?

It is very painful and humiliating to see so many men in chains condemned to labour.

4916. Has it a bad effect in hardening the convicts ?

I am not aware. But I am an advocate for transporting the whole of them ; not to such settlements as they call penal settlements, under restrictions that have been productive of so much vice. I think they might be sent to various of our colonies with great benefit, being under such regulations as to labour there as would render it inconvenient, or in some degree a punishment, to be transported. I have heard of an intention to incarcerate and employ convicts at home, which I think would be extremely injudicious, for many reasons which cannot fail to present themselves to the minds of persons who at all consider the subject.—*The Earl of Dundonald.*

4378. Have you considered at all what would be the effect in Ireland of employing convicts in gangs working out of prison ?

I think it would not be practicable.

4379. On what ground do you entertain that opinion ?

I have seen in other countries gangs of persons, and you can only make them work by the application of means which would be repugnant to the feelings and tastes of the people in Ireland ; and if those means were used the person who applied them

would I think have a very short or uncertain tenure of his life.

4380. The sympathy which you have described as being very general in favour of the criminal you think would produce a considerable difficulty in the way of such forced labour exposed to public observation? It certainly would.—*Captain Pollock, Stipendiary Magistrate, Nenagh.*

## EVIDENCE CONCERNING PARKHURST PRISON.

Captain HALL is called in, and examined as follows:

2182. You are the Governor of Parkhurst Prison?

I am.

2183. How long have you been there?

Three years and a half.

2184. What is the average age of the prisoners that are under your jurisdiction?

All ages from ten to eighteen. I should suppose I have no boy under ten at the present moment.

2185. Are the lads sent to you afterwards transported, or do they work out the whole of their sentence?

They all go abroad, except some few, who, under peculiar circumstances, have been restored to liberty in England.

2186. The general rule is that the system has been considered as working out a part of the sentence preparatory to being transported? Yes.

2187. Before they go out to what we now call exile? Yes.

2188. What do you generally find to be the feelings of the lads themselves with regard to their going abroad?

Generally they are very desirous of it indeed. There is a great desire to go abroad in a vast majority of instances.

2189. Does it appear to you that they would, in

the first instance, be glad to be sent abroad, instead of being sent to prison, in many cases ?

I am not able to give a decided opinion upon that point. They generally would prefer going abroad to returning to their own neighbourhood, provided they can get a pardon in the Colony.

2190. Are you enabled to establish a pretty good system of work at Parkhurst ?

The boys are taught a variety of useful trades ; they are also employed in agriculture upon the land immediately adjoining the prison. They are taught the trades of shoemakers, carpenters, bricklayers, brick and tile makers, blacksmiths, bakers, as well as tailors ; we make all the clothing worn in the prison.

2191. What is the system of taking a boy ?

In the first instance he is placed in a separate cell, where he is not allowed to communicate with any other prisoner, but is visited by the chaplain, the schoolmaster, and the instructor in knitting and tailoring, as well as by me ; he goes to school and to chapel, and is allowed there to be in company with other prisoners, but is not allowed to speak to them ; and after a few months he is passed into the general ward, where he is allowed to go to some trade, and to school in company with other prisoners, to walk about in the yard, and while there to converse with other prisoners, under the eye of the warder, who would check any irregularity or impropriety of conduct.



2192. And from that state he is sent abroad ?

Yes.

2193 How long do they remain in the country ?

From two to three years in general, but sometimes longer.

2193. Have you observed a great difference in them towards the close of their term of imprisonment, in point of exhibition, to what they exhibited when they were first put under your care ?

Decidedly so ; a great difference between the second and the first year and a still greater difference between the third and the former year ; there is a progressive improvement in the whole disposition of the boy, I should say.

2195. As far as you could judge from external circumstances you consider that the influence of the system is beneficial ? I think decidedly so.

2196. Have you had any opportunity of knowing about lads that have gone abroad ?

I hear from some of the youths themselves ; I hear also occasionally from the Guardian under whose care sixty boys were sent to Western Australia. In respect to the boys more recently sent to Port Philip, a Report has been lately received from the Surgeon Superintendent.

2197. Was it a favourable Report ?

Very favourable Reports in all the instances. One party sailed only in January last, and of them no Report has, of course, been received yet.

2198. Are they free from all restraint ?

They receive pardons on landing, and if they are old enough to hire themselves out to masters they are allowed to do so. The younger boys were apprenticed.

2199. Are there any arrangements made in the Colony for receiving them?

In Western Australia there is an Officer of the Government, who is styled the Guardian of juvenile emigrants, who is paid a salary for apprenticing these boys, for visiting them once in six months, for seeing that the masters fulfil the conditions of indenture, and that the boys also conduct themselves well. I fear there is no arrangement of this kind in the other Colonies, and it is a matter of very great importance.

2200. Do you conceive that some arrangement of that sort is very important?

Very necessary. If the Master of a Ship who takes out these boys lands them immediately on his arrival in Australia, and if no provision is made for their subsistence, they must either have recourse to dishonest means for procuring subsistence, or to begging, or else they would starve; the settlers in the country may not know of the arrival of a ship for some little time.

2201. Are they sent out as adult convicts are, under the charge of a Surgeon Superintendent; is that the system? That is the system.

2202. Are they readily absorbed in the population when they get there?

I believe very speedily ; of course there must be some days before settlers in country districts, remote from the Port, can be aware of their arrival.

2203. Do they take with them any certificate of character or conduct ?

I have always given to the Surgeon Superintendent a list, describing the boy, his conduct at Parkhurst, and the trade which he had acquired, so that the Surgeon is enabled to recommend him to the master who applies for him.

2204. There is no regular classification of them, but you give the character of each individual ?

Yes ; from my own intercourse with him, and also from the reports that I have received from various subordinate agents at Parkhurst.

2205. Have you ascertained from the boys themselves much with regard to their previous life before they had been committed ?

I examine every boy as to the state of circumstances of his parents, the trade or employment, if any, which he has pursued, whether he has been at school, how long, and what has been the effect, every former conviction or case of imprisonment, and how many times he has been in custody.

2206. What has been the general class of people that has come under you ; what has been their previous life ; have they generally been in some trade ?

A large number of them have been a short time at school, and have run away from school and got into the company of idle boys about the streets, and

have been so led into crime ; some few have been apprentices, and many have been in irregular employment at very low wages.

2207. Do they, or a proportion of them, come from towns ?

A very large proportion from towns ; extremely few from the rural districts.

2208. Have you had any means of knowing whether, after they get there they are again punished there for offences committed in the colony ?

I have the most accurate information from Western Australia. I saw a letter six months ago, from the Guardian there, who, speaking of sixty-two boys, said that fifty of them were first-rate lads, but that twelve were very troublesome indeed, and that great difficulties were felt in the way of disposing of them.

2209. Are the greater number of them orphans ?

Several of them are orphans. A very large number have lost one parent ; the surviving parent has married again, and the step-mother or step-father has ill-treated the children of the first marriage.

2210. Do you think that the system pursued at Parkhurst is of a nature to deter other boys from the commission of crime ?

I believe that those who are outside the walls are ignorant of the system that is pursued, and therefore perhaps it cannot have much influence in that respect. Parkhurst is a secluded place, and many persons do not know any thing about it.

2211. Do you think that if the punishment in-

flicted upon these lads, at least these older ones, was immediate transportation to a penal colony, that it would be more terrifying to them than the strict discipline of the imprisonment at Parkhurst, and the subsequent expatriation ?

I think in many cases it might ; but there is a very mistaken impression abroad with regard to the real character of transportation to the penal colonies. Many boys have told me that they did not fear transportation, because they have seen men who have returned, who told them they had been very comfortable ; and although I have always told the boys that the system is much more strict now than it was a few years ago, they evidently distrust it, and many still think that after all they would not be very badly off.

2215. At Parkhurst is there a provision for good school education ?

There is a very good school education indeed.

2216. Have you had an opportunity of being able to form a judgment as to what degree of education the generality of boys who come to you have had ; do you know whether a large proportion have had no education ?

The very large majority, ninety-six or ninety-seven per cent., have been at school, but they have learned little or nothing ; they were truants. We have the truants from schools in all parts of the country. It is a remarkable fact, that of between eleven and twelve hundred boys that we have re-



ceived into Parkhurst since 1838 there have been only thirty-six who have never been to school at all.

2218. Are they confined separately ?

Upon their first arrival they are placed in a probationary ward.

2219. For how long ?

Four months is the shortest term.

2220. Do you find that has a tendency to affect their health or their manner at all ?

No, not the least. I never saw any evidence of injurious influence either upon mind or body in the appearance and condition of the boys. They are always in good spirits, cheerful and happy.

2221. Although they have no communication with one another ?

Ours is by no means a stringent Separate System, because a boy is taken out several times from his cell in the course of a day ; twenty minutes in the morning to wash him, shortly afterwards an hour to go to the chapel, an hour and a half for exercise, at school for two hours, and at evening prayers for fifteen minutes.

2222. And during that time he sees the other boys ?

He sees them, but he cannot speak to them. At chapel they sit together.

2223. How does he pass the remainder of his time when he is alone in his cell ?

He is set to knit stockings ; he has books ; he has lessons to learn ; he is visited continually by the

officer of the ward, by the instructor, by the chaplain, and by myself.

2224. Do you make it a rule to converse with them at the time, or only to look over them?

I visit them to converse with them as frequently as my other duties will allow, for I look upon it as a matter of great importance that I should gain a knowledge of the character and disposition of each boy.

2225. Do they take their meals together?

In separation; in solitude while in the probationary ward.

2226. Each boy separate?

Each boy separate; but after having passed through the probationary ward they take them together, 360 in a large hall.

2227. When is the intercourse allowed in association?

At certain periods of the day; immediately after chapel, (before going to work), before dinner, before afternoon school, and before supper, they are allowed to walk about in the yards for a few minutes at each period. They are classed in wards of 100 to 200 boys, there being about three or four warders present to prevent any disturbance, any fighting or quarrelling, or any obscene or profane language.

2228. Are they allowed at that time to speak to each other? Yes.

2229. Have they any amusements permitted?

During the last winter I permitted the older boys

to play at leap-frog; the junior lads are allowed to play at various games in their yard; they have also gymnastic exercises, for which they have poles and ropes.

2230. But that is not until a certain time after they have been there ?

During probationary time they have no recreation, properly so called.

2234. Have you found it practicable, when they have taken exercise in presence of each other, to prevent their communicating ?

There are every now and then cases of boys attempting to communicate; they are almost always detected; but I have evidence which shows that there is a certain limited amount of communication. Boys contrive to make signs to each other which are understood.

2235. Have many cases come before you which lead you to think there is a recognition of the boys with their associates ?

Yes; a boy often tells me that another lad has come from the place which he came from, and has told him about his friends; they converse on those subjects very much.

2236. Are they anxious about intelligence of that sort ?

Very. I never pass through the yard without many of them coming to me to ask me whether I can give them any information about their relatives.

2237. No correspondence passes between them ;

No, it is through me; the prisoner does not write or receive any letters. I am permitted to inform the friends once in three months that the boy is well.

2239. What has been the state of health at Parkhurst generally?

Remarkably good; there have been fourteen deaths during eight years, out of nearly 1,200 boys.

2240. Can you tell us at all what is the average expense of the maintenance of the boys?

It is now about one shilling and three-pence a boy a day; about twenty-two pounds a year, including all the salaries of officers, the diet and the clothing of prisoners, the tools and implements necessary for their employment, and books necessary for their instruction.

2241. It includes every thing?

It includes every thing; that is the whole expense, except that of the building. Twenty-one pounds a year in future perhaps will be the whole expense, because bedding has been provided which will last for some years.

2242. Is there any difference made in the treatment of those who have been confined for more atrocious offences?

There is not. There is no classification with regard to crime.

2243. Do you make any classification at the prison with regard to age?

The younger boys are all separated from the older ones, and placed in an entirely different building;

they have no communication with the other boys at all. The boys of thirteen and under are all separated from the older boys.

2247. Could you give me any idea of the proportion of the boys that can read and write easily ; have you considered the proportion of them ?

The proportion who could read and write with tolerable readiness would be but small, and the proportion of those who have any real understanding of what they have read is very limited indeed. The numbers are stated precisely in the Chaplain's annual Reports.

2248. In point of fact there is a great majority uneducated ?

The great majority are uneducated, I should say.

2249. When boys are to be sent abroad is it always for a long period ?

They will be at liberty to return after the completion of the sentence, the condition in the pardon being that they should not return to the mother country during that period.

2250. That has not been established long enough to know in what state they do return ?

I saw a letter a short time ago from a boy who had been sent out to Western Australia, and apprenticed there, and who after the completion of his time had returned to England, but found great difficulty in obtaining employment at home, and was desirous of returning into domestic service in Australia.



FOREIGN PRISONS.

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THE benevolence of the Christian is not bound by the shores which girt the land of his birth. Fellow-countrymen may have claims on his affections, and patriotism may perhaps limit his exertions, but his philanthropy embraces the world. There is no distant sufferer, whom he cannot assist, with whom he would not sympathize. If told that a source of crime is restrained, and, as a consequence, that a source of misery has been taken away, he welcomes the intelligence, and though it come from far, it affords delight. The reader, then, I trust, will find pleasure in the short notice of foreign prisons and penal improvements which the following pages may contain.

But it is not merely to afford pleasure that I append this concise description. Prison Discipline, notwithstanding improvements, is yet imperfect amongst us, and many a useful lesson may be learnt from the experiments and plans of other nations, although their penal enactments and the state of their prisons may still be inferior to our own. In these respects England indeed shines

“ ——— Velut inter ignes  
Luna minores ——— ”

Still if we have received and are diffusing the brightest light on this once obscure and still difficult subject, let us not despise the guidance of more distant rays. It is the combination of such which will effectually lessen darkness, will shew where danger lies, and enable us to proceed with safety.

In this part of my work I shall extract largely from the speeches of those eminent men from various countries who attended the Congrès Pénitentiaire at Frankfort and Brussels. The general harmony of feeling, the absence of all national jealousies, and the earnest desire to communicate that information which might correct errors, and encourage the humane and judicious punishment of criminals, most happily distinguished the meetings of that philanthropic body. Each member seemed to feel that to impart the knowledge which by experience had been obtained upon such a subject, so far from entailing loss, must tend to mutual advantage—"quod ab Ennio positum in unâ re, transferri potest"—

Homo, qui erranti comiter monstrat viam,  
Quasi de suo lumine lumen accendat, facit,  
Nihilominus ipsi lucet, cum illi accenderit."

\* Cicero de Officiis, Lib. i. cap. 16.

## AMERICA.

AMERICA.—PRISONERS ASSOCIATED.—THE SOLITARY SYSTEM.—  
THE AUBURN SYSTEM.—SPEECH OF MR. G. SUMNER, OF BOS-  
TON, U.S.—DESCRIPTION OF RECENT PENITENTIARY REFORMS  
AND OF PRESENT FEELING AS TO PRISON DISCIPLINE.

MUCH has been said in the foregoing pages respecting the introduction of the Separate System into the United States of America. The contamination of gaols, and the consequent increase of crime became so apparent and so perilous,\* that in order

\*In addition to the particulars before given, the following anecdote, narrated by Robert Vaux, in his description of American prisons, may further shew the necessity for reform, even for the security of those to whose custody the criminals were entrusted; and it certainly proves how little the keeper referred to was fit for his office:—"A clergyman believing that benefit would result to the prisoners in the prison of Philadelphia from an occasional sermon, called on the keeper to inform him of his intention to preach 'on the following Sunday.' This proved most unwelcome intelligence to the keeper, who instantly declared that such a measure was not only fraught with peril to the person who might deliver the address, but would involve also the risk of the escape of all the criminals, and the consequent pillage or murder of the citizens. To this the clergyman answered that he did not anticipate such a result, and for himself he did not apprehend even the slightest injury. Leaving, however, the keeper utterly unconvinced, he waited upon the sheriff, who, on being

to avert the evils which it was foreseen must be the inevitable consequence of pursuing the system of associating criminals in prison, the very opposite extreme was rashly attempted. Some prisoners were immured in mere *pits* (to call them cells would be to confound terms) in a state of uninterrupted stillness, of constant solitude, without instruction, con-

told what had passed, issued a written order to the jailer to prepare for the intended religious service. At the appointed time the clergyman repaired to the prison, and was there received with a reserve bordering on incivility. The keeper reluctantly admitted him through the iron gate, to a platform at the top of the steps leading to the yard, where a loaded cannon was placed, and a man beside it with a match. The motley concourse of prisoners was arranged in a solid column, extended to the greatest distance which the wall would allow, and in front of the instrument prepared for their destruction in the event of the least commotion. This formidable apparatus failed to intimidate or obstruct the preacher, who discoursed to the unhappy multitude for almost an hour, not only unmolested, but as he had reason to think, with advantage to his hearers, most of whom gave him their respectful attention, and all behaved with much greater decency than he expected. This sermon, it is asserted, was the first ever delivered to the whole of the prisoners in Philadelphia, and perhaps it preceded every attempt of the kind in any other city. Be that as it may, the duty in this case was performed under very extraordinary circumstances. Not long afterwards, when Bishop White was about to officiate in the same prison, the keeper, with similar designs, very significantly advised him to leave his watch on the outside of the gateway, lest it should be purloined; but the intimation was disregarded, and the service administered without molestation.

solation, or advice ; deprived not only of all intercourse with fellow-beings, but, as far as could be, of any evidence of things living. Thrust into these dungeons, which were dark and damp, and left to the gloomy reflections of a guilty mind, those frightful results, which men possessed of common observation and foresight might have anticipated, speedily ensued. Disease, death, and madness forbade the continuance of such a plan ; and so disastrous were the consequences that, we may hope, they have prevented for ever the renewal of an experiment so ill-judged and cruel. This was that *solitary system* abhorrent to humanity, the detestation of which survives its abolition, and which unhappily still excites a prejudice against that *separate* imprisonment which, however similar in its name, is, as we have shewn, so unlike in its nature and effects. This sad result has prevailed in America as elsewhere, and the shock produced upon every humane mind has tended to retard the progress of that penitentiary system to which entire seclusion should have given place. Instead of this a plan was proposed and pursued at Auburn and in other places, whereby prisoners were associated, but silence enforced. If this was less cruel, it was as little corrective ; and the results have been so unsatisfactory, that we may rejoice in the prospect of its being ere long abandoned. I cannot better describe the present state of prison discipline in America than by giving the following extracts from the speech of Mr. Sumner, who having recently



visited our prisons in England, attended the late Congrès Pénitentiaire at Brussels :—

“ If the cellular system has not made great progress in the United States during the last year, the system opposed to it, the Auburn system, has made a decidedly retrograde movement, and several prisons, subject to this régime, have greatly modified it. They have almost entirely changed the discipline, and have been obliged, by the force of facts, to abandon the regulation of absolute silence. In the State of New York, where the Auburn system was first adopted, they established a new Penitentiary two years since, in which they abandoned that system.

“ At Wethersfield there is a prison, which is said to be one of the best, they do not permit free communications among the prisoners, but absolute silence is not enforced. In the prison of Baltimore, intercourse is allowed under the inspection of directors ; but such confusion exists there as it is impossible to describe.

“ In the prison of Charlestown, near Boston, they allow conversation amongst the prisoners, and have even gone so far as to organise a society for discussion ; a kind of academy of moral and political science. Whether these re-unions, with the facilities which they must offer for communications, often injurious, between the prisoners, are good or bad in their consequences I will not determine. It appears to me, we ought to rejoice to learn that, in whatever way it may be, they have put an end to the system of absolute silence, maintained, as it was, by punishments so cruel and so degrading to humanity.

“ They built in the State of Pennsylvania, several years ago, cellular prisons, and have been actively employed in erecting other establishments of the same kind. Among the documents I have before me, I find the 18th Report of the Inspectors of Prisons, and of the Penitentiary of Pennsylvania, the first which was founded on the cellular system. This Report fully confirms what the others contain, that is to say, that the

moral and physical effects are most satisfactory. These reports deserve entire confidence, because they are revised by honourable and independent citizens, who are not prejudiced in favour of this system more than any other, and who are chosen by the legislative assembly to inspect prisons and make an exact report of their state, and of circumstances which take place in them. It appears from this document that the number of re-committed criminals has considerably diminished for several successive years. Thus in 1842 only eleven had relapsed of 142 convicts.

In 1843	.....	10	out of	156
1844	.....	10	—	138
1845	.....	9	—	143
And in 1846	.....	4	—	117

Being a diminution of 8.45 per cent. to 3.34 per cent. in the space of five years. This is one of the most remarkable results we have to state.

“The Report of the Inspectors of the cellular prison of New Jersey is quite as satisfactory as that of Philadelphia. The good health and excellent moral discipline of the establishment are shown by the very small number of sick and of those punished. There was also, in 1846, only one death in a total of 244 prisoners. Again, it appears, that the financial state of the prison is more favourable, seeing that the receipts from labour for 1846 have exceeded the expenses by more than 25,000 francs. This circumstance will be considered perhaps of only secondary importance by those who think that the state ought not to speculate on the captivity of criminals. But as the great pecuniary profits of the Auburn prisons are so often quoted as a proof of the superiority of the system practised in these establishments, the same point gained in the cellular prison of New Jersey assuredly deserves to be mentioned.

“I have also before me another document which, I believe, is as worthy of attention; it is the report of the Penitentiary

association of New York. This document is the most important, with regard to penitentiary questions, that has been published in the United States, since the remarkable report which gave rise to the penal code of Mr. Livingston.\* The society for prisons at New York is exclusively composed of conscientious men of talent, who, from their local position, would be much disposed to speak in favour of the Auburn system. Several of them have been members of the commission formed to reform the penitentiary system of that city; since, they have been appointed inspectors of this prison, and are perfectly acquainted with the subject. They do not exactly say that the Pennsylvanian system is superior to that of Auburn; but they attack this last in a very severe manner.

\* In a pamphlet published by the speaker, in America, he makes some forcible observations in favour of the Separate System, and supports them by a very instructive quotation from Livingston:—"There are some persons, however, who, anxious to reconcile the old vices of construction with the necessity for reform in our prisons, propose a system of classification of prisoners according to their various degrees of guilt;—and reasonable men have been found to listen to this suggestion—as if it were possible to judge the exact amount of guilt or corruption of each individual,—or to find psychologists for turnkeys, who could fathom and gauge the consciences of men. But the best answer to those who indulge the hope of such classification, will be found in the cogent remarks of Edward Livingston, in the Introduction to his Penal Code. 'Moral guilt,' he writes, 'is incapable of being discovered, and, if discovered, so nicely appreciated as to assign to each one infected with it his comparative place in the scale; and if it could be so discovered, it would be found that no two would be contaminated to the same degree. Secondly, if this difficulty could be surmounted, and a class could be formed of individuals who had advanced exactly to the same point, not only of offence, but of moral depravity, still their association would produce a further progress in both, just as sparks produce a flame when brought together, which separated would be extinguished and die. It is not in human nature for the mind to be stationary, it must progress either in virtue or in vice,—nothing promotes this progress so much as the emulation created by society, and from the nature of the society will it receive its direction. Every association of convicts then, that can be formed, will in a greater or less degree pervert, but never *reform*, those of which it is composed; and we are brought to the irresistible conclusion that classification once admitted to be useful, it is so in an inverse proportion to the numbers of which each class is composed, and is not perfect until we come to the point at which it loses its name and nature in the *complete separation of individuals*.'"

I will ask permission of the assembly to read one or two extracts from this document, which appears to me sufficiently curious and important to be quoted. The gravest reproach that has been made to the Pennsylvanian system is that of predisposing the prisoners to mental estrangement. Comparisons have been made in the United States between the cases of mental estrangement stated in the Auburn prisons, and those which have taken place in other prisons; now, the numbers which have served as the foundation of the calculations for the Auburn prisons, are not correct. The members of the commission appointed to present a report on this subject express themselves in this manner: 'Whilst inspecting the prison of Auburn, we were struck with the great number of individuals afflicted by mental aberration, the cases of which appeared to have quite escaped the Doctor's observation. A few only where the complaint was the most decided were under treatment.' In their report on the general question of penitentiary systems, we read: 'The experience of the past year, as also that of preceding years, and the facts observed in all our prisons, tend to confirm us in the opinion we have already stated, that cases of mental derangement are much more frequent in prisons on the Auburn system, than is mentioned in the Reports. Another case is presented of a deranged person whipt with such brutality that his death which followed some days after may probably be attributed to this cruel treatment.' And yet further: 'Every attempt to isolate the prisoners whilst associated, by imposing on them absolute silence, is in opposition to one of the strongest principles of our nature, and in fact impracticable.' \* \* \* 'Experience has shown the impossibility of keeping absolute silence in society, and the certain effect of the law of silence is to encourage hypocrisy and teach fraud, vices for which the prisoners are placed there, so that the period of imprisonment is a school, not of obedience to the law, but of stratagems and plans for avoiding and breaking it.' It seems to me that it would be



difficult to find a more conclusive testimony than this, especially when given by men who, certainly, would give quite a contrary opinion if they were under the influence of prejudice, or attended to their private interests.

“We may assign many reasons why the system of separation has not made more progress. First, many very enlightened persons think that the State of Pennsylvania began by a mistake, inasmuch as that instead of establishing cellular prisons for the convicts, they would have done better by building prisons for persons before trial. But the district prisons are there, as in England, built at the expense of the counties, and not of the Government, which, in some respects, would be infinitely better. Indeed, among the central Governments of the several States, there are persons who seriously engage in the study of prison reform, whilst the Magistrates of the counties are often persons who, neither from inclination, nor from their usual occupations, are disposed to enter upon such studies. Consequently, either from indifference, or from ignorance, the important commission confided to them is too often neglected.

“Having been lately in England, I had the opportunity of observing the remarkable progress which has been made there of late years in the erection of county prisons. They have had to struggle with the same difficulties as the United States; and I heard, (when embarking for Ostend) from the mouth of the Chairman of the Magistrates of the County of Surrey, that the force of facts had at length convinced the prejudiced, and they had determined to build cellular prisons at the county expense.

“There is another cause which has prevented the extension of the cellular system in the United States; it is, that in the City of Boston, there is a society which, having for its object the study of penitentiary questions, has for several years made repeated attacks on the system of cellular prisons. I wish to think that the opinions of this society are very honest, loyal



and conscientious, but I have conversed with persons who are better acquainted with its organisation than myself, who have assured me that the number of members really interested in the important questions which arise out of the study of penitentiary administration, is very limited. I think that the re-erection of one, or several cellular prisons, is not so important a circumstance, as the change which has taken place in most enlightened minds in the United States. Public opinion is shaken; the conviction of the infallibility of the Auburn system is quite destroyed, and that of separation gains ground every day."

## FRANCE.

PRISONS OF PARIS IN 1778.—HUMANE AND WISE REGULATIONS DESCRIBED BY HOWARD. — THE BICETRE. — THE BASTILLE.—PRISON OF AVIGNON.—IMPROVEMENT IN PRISON DISCIPLINE DESCRIBED BY M. ARDIT, M. MOREAU-CHRISTOPHE AND M. GUSTAVE DE BEAUMONT. — EFFECT OF SEPARATE SYSTEM AT BORDEAUX, TOURS, MONTPELIER AND VERSAILLES. —LETTER FROM COUNT GASPARIN.

It has been already observed that in some respects France might justly claim the honour of having been amongst the first in the great work of prison reformation. Reverting to the times long past when our own prisons were habitations of cruelty not less than of crime, we learn that many of the gaols of France were in a like condition, but there were exceptions; and some at Paris especially, when visited by Howard in 1778, appear to have been under many wise regulations and humane superintendence. With reference to them that philanthropist observes:—

“I was surprised at seeing that none of the prisoners were in *irons*. No gaoler (I was informed) may put them on a prisoner, without an express order from the judge. And yet in some of the prisons, there were more criminals than in any of our London gaols. When I was first there, the number had been recently increased by an insurrection on account of

the scarcity of corn. My reader will perhaps presently see reason to conclude, that the manner in which prisons are conducted makes the confinement more tolerable, and chains less needful. Indeed it was evident, from the very appearance of the prisoners in most of the gaols, that *humane* attention was paid to them.\*

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“The nomination of a gaoler belongs to the magistrates. When he has been nominated, he is proposed to the *procureur general*; and if, after a careful inquiry into his character, it appears that he has the reputation of a man of probity, he is fixed in the office, and takes an oath of fidelity.†

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“As the best regulations are liable to be abused, prisoners are not thought sufficiently provided for by *enacting* good laws—the *execution* of them is carefully attended to. The substitutes of the *attorney-general* should visit the prisons once a week, to inquire if the rules be observed; to hear complaints of prisoners; to see if the sick be properly attended; and the like. Besides this, the *parliament of Paris* send to all the prisons five times a year two or three *councillors* with a *substitute* of the *attorney-general*, and two clerks.”‡

At the Bicetre, a sort of general receptacle for sufferers from bodily and mental as well as moral diseases, Howard tells us he found about 4,000 confined; and here many prisoners were at that time isolated, whilst others were subject to that contamination which ever accompanies vicious intercourse.

“Criminals are confined, some in little rooms about eight feet square, windows three feet and a half by two feet, with a grate, but not many glazed. By counting the windows on one

\* Foreign Prisons, p. 137.

† Id. p. 142.

‡ Id. p. 143.

side of the house, I reckoned there must be five hundred of those rooms; there is but one prisoner in each. These pay two hundred *livres* a year for their board. There are others in two large rooms called *La Force*, on the other side of the court (*La Cour Royale*) which are crowded with prisoners; in 1778, there were upwards of two hundred. Such a number confined together in idleness, must produce a great corruption of manners. Many at their unhappy end have ascribed their ruin to the flagitious examples they had *here* seen, and the instructions *here* given them."\*

Some dungeons in this prison appear to have been little better than those we have described in English prisons :—

"In the middle of *La Cour Royale* are eight dreadful dungeons down sixteen steps, each about thirteen feet by nine, with two strong doors, three chains fastened to the wall, and a stone funnel at one corner of each cell for air, &c. From the situation of these dreary caverns, and the difficulty I found in procuring admittance, I conclude hardly any other stranger ever saw them; that is my reason, and I hope will be an apology for mentioning the particulars."†

The horrors of the Bastille have been proverbial; the following extract from a pamphlet published in France in 1774, the sale of which was speedily prohibited, but which Howard tells us was reckoned the best account of the structure ever published, may not be uninteresting :—

"It is a state prison, consisting of eight very strong towers, surrounded by a fossè about 120 feet wide, and a wall sixty feet high.       \*       \*       \* The dungeons of the tower de *Liberté* extend under the kitchen, &c. Near that tower is

\* Foreign Prisons, p. 145.

† Id. p. 146.

a small chapel on the ground floor. In the wall of it are five niches or closets, in which prisoners are put one by one to hear mass, where they can neither see nor be seen. The dungeons at the bottom of the towers exhale the most offensive scents, and are the receptacles of toads, rats, and other kinds of vermin. In the corner of each is a camp-bed, made of planks laid on iron bars that are fixed to the walls, and the prisoners are allowed some straw to lay on the beds. These dens are dark, having no windows, but openings into the ditch; they have double doors, the inner one plated with iron, with large bolts and locks. Of the five classes of chambers, the most horrid next to the dungeons are those in which are *cages of iron*. There are three of them. They are formed of beams with strong plates of iron, and are each eight feet by six. The *calottes*, chambers at the top of the towers, are somewhat more tolerable. They are formed of eight arcades of freestone. Here one cannot walk but in the middle of the room. There is hardly sufficient space for a bed from one arcade to another. The windows, being in walls ten feet thick, and having iron grates within and without, admit but little light. In these rooms the heat is excessive in summer, and the cold in winter. They have stoves. Almost all the other rooms (of the towers) are octagon, about twenty feet in diameter, and from fourteen to fifteen high. They are very cold and damp. Each is furnished with a bed of green serge, &c. All the chambers are numbered. The prisoners are called by the name of their tower joined to the number of their room."

When Howard again visited France in 1788, he says in his second book on Foreign Prisons that he saw, amidst much that was painful, "some effects of a more liberal spirit towards the prisoners." He records an interesting fact in this volume when referring to the cruelties inflicted at the prison at



Avignon :—" On taking notice of the rings, pullies, &c. for the torture, the gaoler told me he had seen drops of blood mixed with the sweat on the breasts of some who had suffered the torture."\*

Cruelties in the prisons of France have been discontinued, and the attention of benevolent and distinguished men has been attracted towards the treatment of criminals. A valuable work, "*Les Condamnés et les Prisons*," was published in France about fourteen years since, by the Vicomte Bretignères de Courteilles, which served greatly to correct prejudices against cellular imprisonment, and to promote its establishment in France. The author, after a statement of facts and powerful reasoning upon them, concludes thus:—

" If I have shown that punishment ought to be repressive, exemplary, and reformatory ; that its justice, and the value of the opportunity it affords, ought to be admitted by those who undergo it, by those who direct and those who witness its infliction, I shall have produced the same conviction in the minds of my readers which has been impressed on my own ; and each individual will conclude, from all that I have collected, from the study of facts, and of the human heart, and from a scrupulous examination of the works which, up to the present time, have been published by men of every epoch, and of every opinion ; each, I repeat, will conclude with me, that both the moral and material reform of our prisons is a social necessity ; and that it cannot be effected but by a revision of the Criminal Law, and by the entire adoption of the system in force in the Eastern Penitentiary at Philadelphia.

" Each will be persuaded, that, with reference to religion,

philosophy, health, construction, and finance, this system is possible and practicable.

“ That it is adapted to the untried, to the accused, to the trivial delinquent, to those condemned to long periods of imprisonment, and to the gravest criminals ; for it may rescue them from the scaffold.

“ That it is the protector of individual liberty, and of the equality of the law, whilst it preserves the dignity of man.

“ Let us hope that the Chambers will adopt it ; that they will admit the principle of the moral reformation of criminals, and will not shrink from any of its consequences.”\*

The improvements which since the days of Howard have been effected in the construction and discipline of prisons in France, and the prospect of the general adoption of the Separate System throughout the provinces, may be learnt from the following interesting speeches made at the meetings of the Congrès Pénitentiaire. I translate and insert them here with much satisfaction, as tending to confirm the arguments and evidence which have been adduced.

The following is the speech of M. Ardit, the Honorary Inspector General of the prisons of France, at the Congrès Pénitentiaire at Frankfort, in 1846 :—

“ It is nearly ten years since the French Government decided to adopt exclusively the system of separate imprisonment for the untried prisoner. By a document of 2nd October, 1836, the Minister of the Interior informed the Prefects, that henceforth he should not sanction plans for the construction of district prisons, unless according to the requirements of the cellular system. This resolution of the French Government,

\* P. 349. 3rd Insp. Rep.

far from encountering, even then, any serious opposition from the public, was received with favour. In 1838, the general Councils for the departments, by a majority of fifty-eight against fourteen, (fourteen abstained from giving their opinion) decided the Separate System should continue for the accused and the guilty. The French Administration have embodied their convictions in the following statements:—The public are too much prejudiced against the condition in which the suspected and the criminal are now confined. If separation had at first been established, they would not now have thought it too severe for this class of prisoners. If the families could be consulted, all would pronounce against prison association, for it is an aggravation to the innocent and honest man, a certain danger to his morals, and a species of disgrace thrown upon his name.”

“Separate imprisonment has long been considered as a punishment to the suspected: this is an error; for him it forms, on the contrary, a kind of protection, and it is the only way of preserving to him his moral liberty. Is it not, indeed, often taking away his liberty, is it not often doing violence to his inclination, to force him to live with men, whose character he knows not? But if the suspected should have the right to ask, or to demand separate confinement, the Governor on his part, ought to have power to refuse all intercourse to the accused who may claim it; for his study is to prevent the mutual corruption of prisoners, even of those who await their trial. Society has a positive interest in its being so, and even the wishes of the suspected should yield to this interest.

“For the accused the cell ought to be valued as a means of retirement and a state of moral liberty. In this point of view, separate imprisonment is a measure of protection, not of restraint; it is the discipline alone which gives to it a character of punishment.” [*Circulaire du Ministre de L'intérieur du 1st Août, 1838*] “However, although the cellular reform no longer meets with any opposition in France in its

application to the accused and unconvicted, and to those committed for a short period who suffer their punishment in the provincial prisons, yet, in reality, its progress has not been rapid. This arises from several causes; because the laws place to the account of the departments the expense of constructing des maisons d'arrêt et de Justice, and also the annual expenses of these prisons; and again, because their ordinary resources being everywhere insufficient to provide them, they would be obliged to resort to extraordinary taxes; and, above all, because the greater part of the Conseils Généraux, in the expectation of a new law for the reform of prisons, have delayed the reconstruction of the maisons d'arrêt et de Justice. Here is a list, in the order of their importance, of the provincial cellular prisons now occupied in France:—

Names of Prisons.	No. of Cells.
Bordeaux (Gironde) ... ..	168
Chalons sur Saone (Saone et Loire) ... ..	120
Tours (Indre et Loire) ... ..	112
Rethel (Ardennes) ... ..	108
Lousle Saunier (Jura) ... ..	86
Montpellier (Hérault) ... ..	84
Saint Flour (Cantal) ... ..	64
Versailles (Seine et Oise) ... ..	62
Saint-Quentin (Aisne) ... ..	48
Bax-Sur-Aube (Aube) ... ..	40
Abbeville (Somme) ... ..	40
Brignoles (Var) ... ..	36
Remiremont (Vosges) ... ..	36
Espalion (Aveyron) ... ..	32
Senlis (Oise) ... ..	30
Limoux (Aude) ... ..	26
Montluçon (Allier) ... ..	26
Montdidier (Somme) ... ..	24
Ambert (Puy de dôme) ... ..	20

Names of Prisons.							No. of Cells.
Saint Pons (Hérault)	...	...	...	...	...	...	20
Belley (Ain)	...	...	...	...	...	...	18
Bazas (Gironde)	...	...	...	...	...	...	16
							<hr/> 1,216 <hr/>

These twelve hundred cells are about half filled by suspected and accused, and by convicts. Some other maisons d'arrêt et de justice, to the number of ten, are being built. The most important is that now building at Paris for male prisoners who are unconvicted, which will contain 1,200 cells. It will probably be finished in eighteen months. In short, the plans of ten or twelve maisons d'arrêt et de justice are under consideration, and approved in principle by le conseils généraux des départements. But we may say the work is hardly begun in a country where the necessities of justice require 363 prisons.

Prévenus et accusés	...	...	...	...	...	6,000
Condamnés en appel ou en pourvoi	...	...	...	...	...	800
For the condemned, whose punishment is become irrevocable, and who are about to be removed to the Bagnes et les maisons de force et de correction	...	...	...	...	...	1,500
Prisoners in transference from one prison to another	...	...	...	...	...	600
Prisoners for debt	...	...	...	...	...	1,500
Condemned for a short period and suffering their punishment in the provincial prisons	...	...	...	...	...	8,000
Total	...	...	...	...	...	<hr/> 18,400 <hr/>

Deducting the number of prisoners confined for debt, whether to the state or to private individuals, whom it is not wished to subject to the Separate System, we see that for the provincial prisons of France we require at least 17,000 cells. Even reckoning the cellular prison of Paris, there as yet exists



in France only 2,400 cells in the provinces. Of the 22 cellular prisons which exist, 19 have been occupied only since 1843. The trial has not been long; yet it is already sufficient to encourage the most timid minds. This is, in substance, the recapitulation of observations which the French administration have recently collected from the local Authorities, from the Inspectors, the Chaplains and the Physicians of these prisons. All the Inspectors acknowledge that the new system exercises the most happy influence upon the character and morals of the prisoners. They have ceased to be insubordinate, and their submission is remarkable. They are more easily led to repentance, more disposed to confess their faults; more grateful for the comforts allowed them. Nearly all the untried, and the greater part of the convicted, even those who are re-committed, accept the Separate System as a kind of benefit, as a degree of protection. But men utterly depraved dread it.

“The Inspectors are not unanimous as to the repressing effects of the cellular system. If some praise it energetically, others reproach them with want of feeling. ‘They will leave off,’ said one of these Inspectors, ‘to apply the reproach of inhumanity to isolation, when they find the prisoners themselves, these competent judges of the humanity, or the barbarity of the system, are anxious for the cell.’ But a general fact evidently arises from all these observations; it is that the cellular system moulds itself, if I may so express myself upon the morality of the prisoner, and that it is more or less painful, according as he is more or less depraved.

The most perfect unanimity is found in the observations of the medical attendants, some of whom have feared the effects of the Separate System on the health of the prisoners. All acknowledge that illness is much less frequent, and of shorter duration. Epidemic disorders and sickness occasioned by the change of the seasons, rarely penetrate the cells, whilst under the old system, the inhabitants of the prison never escaped.

They frequently see prisoners, weak, emaciated, and languishing, gradually recover all the outward signs of good health. Thus, several physicians formally declare that the cellular system ought to be accepted as a benefit, even on account of health. One of them, who has the reputation of a very clever practitioner, goes so far as to say:—Can they still doubt of the good effects of the system for the preservation of the physical health of the prisoners who are well, when it assists so materially the recovery of those who are ill? \* \* \* \*

The French government is convinced that it is possible, in this system, to reconcile the sacred rights of humanity with the not less imperious duty of sufficiently protecting society against the greatest crimes. This they wish to do at any cost, and, above all, to do away with intercourse which subjects the good, or the less corrupt, to the influence of the most hardened; and they believe that whatever they may do, they will never prevent, whilst associating prisoners, the mutual instruction in crime and vice.\* What they find fault with in the present system is, that it is neither sufficiently corrective, nor sufficiently preventive and intimidating; in their idea, all punishment that ceases to be greatly dreaded is insufficient to protect society. The present system of the Maisons Centrales de force et de correction, notwithstanding the severity of the

\* I insert here another extract from the excellent letter from which quotations have been made in this speech—"The Government has recognized, says Count Gasparin, that the system it now follows is essentially wrong, for it throws in contact those who are charged with simple delinquencies, and those who are pursued for crime, the innocent and the guilty,—the imprudent and the depraved. It is superfluous to insist upon the dangers of a confusion like this, which exposes citizens, perhaps irreproachable, or those charged with a first fault, to the corrupting influence of hardened criminals. Public interest, no less than the individual interest of the accused, requires that this state of things should cease. The only sure and efficacious means is to adopt for our prisons the system of separate cells, in order to establish, not an absolute and rigorous seclusion, *but the complete separation of prisoners from one another*, and thus put an end to that mutual instruction in crime, which is the greatest scourge of our prisons."

new regulations, continues fruitless. The corruption and audacity of the convicts have resisted the discipline of the silent system, which was not, and never can be rigorously observed. They withstood frequent exhortations and the consolations of religion; the subjection to hard labour, and the privation of tobacco and fermented liquors. Hence they conclude that with whatever rigours they may surround imprisonment in association, it is mitigated more than it ever ought to be by the pleasure of seeing each other continually, and by the possibility of conversing, notwithstanding the most active and conscientious superintendence. The discipline des Bagnes, where 8,000 criminals suffer their punishment of forced labour, is still less corrective than that of les maisons centrales; it is even more corruptive\* than that of imprisonment; and it is melancholy to state, that there are few condemned to the least severe punishment who would not prefer this captivity in the open air to the discipline des maisons de force.

“It is then, after repeated trials, that the Government has come to the resolution of demanding the power of subjecting to the Separate System all the criminals des Bagnes et des maisons centrales de force, et de correction. Two more years’ experience since the discussion of the first projet de loi on the reform of prisons, have only confirmed this resolution. Government has entire confidence that the Chambers will shew themselves still more favourable to this reform than they were in 1844, and it hopes that, in order to ensure the speediest execution possible, they will consent to place in their hands the necessary powers for the construction of maisons d’arrêt et de justice, as also for the establishment of all the prisons for punishment. These will require at least 26,000 cells, so that France needs the erection of new prisons for no less than 45,000 prisoners. This will be, without doubt, the work of

\* M. Borelly, Procureur General d’Aix, (comprehending the Departments of the South of France) is a decided enemy of the system of Bagnes, which in his letter to Lord Brougham he terms ‘Reservoirs de Pestilence.’—*Second Report of Select Committee on the Execution of the Criminal Law*, p. 199.

many years ; but this is another motive for beginning immediately, for every new cell will save at least one man from a corruption or a disgrace, now almost inevitable."

M. Moreau-Christophe, Inspector General of Prisons of the first class in France, made the following remarks at the same Congress :—

"There is in penitentiary law an important point, that modern legislators appear to have completely forgotten in their plans of prison reform ; it is, that the Romans, from whom we have borrowed all our laws, did not admit imprisonment as a punishment in their penal legislation. They had prisons, but all were preventive ; from hence this definition of Ulpian—'Carcer non ad puniendos, sed ad continendos homines haberi debet.' The same in France : before 1790 prisons were instituted only to confine, not to punish ; because imprisonment was no more admitted as a chief punishment in the criminal laws of the ancient French monarchy than it was with the Romans.\* Turn to the statute of 1670, which constitutes the last register of our penal legislation before the revolution of 89, you will see every where the iron collar, the hurdle, the pillory, confiscation, banishment, the whip, torture,

\* This talented speaker was, I think, mistaken in asserting that "the Romans did not admit imprisonment as a punishment." Whatever may have been its general purpose in the time of Ulpian, it is evident that when the first prison was built at Rome, about 400 years before, by Ancus Martius, (to which I shall refer when describing the prisons of Italy) the intention was to deter by punishment ; and the dungeon afterwards formed in it by Servius Tullius could be for no other purpose. We have proof indeed that it was so applied, for the conspirator, Lentulus, was cast into it, though perhaps only for a short time, previously to his execution. Cicero, moreover, in his oration against Catiline, plainly intimates that imprisonment was *punitiva* in the following passage :—"Sentiet in hac urbe esse consules vigilantes, esse egregios magistratus, esse fortem senatum, esse arma, esse *carcerem* : quem vindicem nefariorum ac manifestorum scelerum majores nostri esse voluerunt."—*Orat. ii. 6.*



death, the galleys perpetually or for a time, &c. &c.; but nowhere will you see imprisonment as a punishment. Les Officiels alone could order it in this way, but only as a canonical punishment; still, in this case, the ecclesiastical tribunal was forbidden to use the word *prison* in their sentences; the word *de monastère, de séminaire pour y jeûner, &c.*, must be made use of. 'It is not the custom in France,' said an ancient writer on criminal law, 'to condemn a guilty person to prison, because the *prison is not a punishment*, but a place destined *ad custodiam reorum* during the preparation for their trial, &c.' Thus, before 89, the prison was amongst us only un lieu de dépôt, a place of security, where they were kept provisionally under the hands of justice till the accused might be brought before the magistrate; the convicted might be sent to the torture. The prison, properly speaking, was only the vestibule to the galleys, the wheel, or the scaffold. What did it signify from that time that the unfortunate creatures who expected torture, were placed altogether whilst awaiting it? Their union presented no danger to society, since all must quit society or life. \* \* \* What was the idea of our Assemblée Constituante when it first instituted imprisonment as a punishment in our modern penal laws? The idea naturally was to make this punishment, as all the others, individual, by applying it separately to each criminal, that is to say, by making them all submit to it in the Cachots, Gênes et Prisons, where they were separated one from the other day and night during all the time of their detention. Unfortunately, the revolutionary disturbance only permitted the celebrated Assembly to weigh, without completely determining, the principle of separate imprisonment in the three degrees proposed by its Committee of Legislation, and developed by Lepelletier. And since then, the ancient prisons, that is to say the towers, fortresses, and dungeons which, under the feudal system and absolute monarchy, have served to *detain* those accused of crimes or offences, served in the



same manner *to punish* all prisoners condemned either to restraint, solitude, or confinement in prison. From that time the word *prison*, which had never before had any other signification than that of prisons for persons accused, signified equally and especially prisons of punishment. And from that time the association to which persons were subjected in prisons for the accused, has been common to the convicted in the prisons for punishment. You see how and why this practice has been successively sanctioned, in ignorance of its origin and under the fatal influence of habit and prejudice, by different governments, by different writers on common law to whom prison reform did not yet appear, so clearly as to us, to be immutably fixed on the only base which can save it from the dangers of the past, the corruption of the present, and mistakes for the future ; namely, that the individuality of the punishment suffered should correspond to the individuality of the fault committed. And let them not say that the reform we propose is the re-establishment or the sanction of the dungeon : on the contrary, it is the condemnation of it. The dungeon is the darkness and inhumanity of oppression ; it is the Bastille and Spielberg. The cell is the brightness and maternal severity of justice ; it is Cherry Hill, it is Pentonville, it is the twenty cellular prisons that our departments already possess, which they are proud to be able to offer to the imitation of neighbouring countries as the specimen of the Penitentiary System, which ought to be the only one in the civilized world, as the truth is one, as the sun which shines in the firmament is one for all the universe. Neither let them say that this unity of penal principle makes the punishment the same for every case ; that is to confound the penal instrument with the punishment, which is not at all the same thing. The instrument may be the same in form for several different punishments, without these punishments for that reason ceasing to be distinct, the difference being, that the instrument varies not in its form, but in its mode of infliction.

It is thus that the cell is the uniform instrument of three distinct punishments amongst us, imprisonment, solitude, and forced labour; but these three punishments, suffered in the cell, vary in severity and duration according to the legal distinction proper to each of them. The cell is so small a punishment by itself, that they apply it to those simply suspected. I have already explained myself on this head, in speaking of prisons for the accused.\* I will add here, to render my illustration more clear, that the cell, which we desire for all prisoners, is only the vessel indispensable to the administration of all penitentiary remedies, but not the remedy itself. The vessel may be the same every where and for all, but the medicine that it contains must vary according to the requirements, and the degree of sickness of the person to be cured. This remedy, is the same punishment of imprisonment, a punishment impossible to adjust under the associated system, or that of classification, but which in the system of separate treatment, may be limited or expanded to a boundless extent, suited to the physical, moral, or intellectual strength of each. You see then, that this system suits all nationalities, since it suits all individualities."

\* Without being as free as the unenclosed prison of our forefathers, the cellular prison we ask for the unconvicted, will be as humane, as protective as the *libera custodia* of the Romans. From his home in which he was when he was arrested in his house, the unconvicted will be transferred to his home in the cell. There they will shew him all the kindness, all the attentions that his confinement will allow. There, he will enjoy every facility, and all the liberty compatible with the interior order and security of a prison. He will receive in his private dwelling, under locks, as in his private dwelling when out of prison, visits, collective or individual from his mother, father, wife, children, friends, from his lawyer, from persons with whom he has business—favours that cannot be granted him in the promiscuous company of prisons at present. In like manner, he will be fed, clothed, and lodged, in his cell according to his own taste and means. The latitude which will be allowed him will receive no limits, except those that the Judge will prescribe as to the course of instruction or the regulation, for the sake of order and morality.

At the Brussels Congress, in 1847, M. Moreau-Christophe made the following remarks :—

“ Since the Congress of Frankfort France has made less progress than England : she has made but one step—but that a great one, such as France always makes when she does advance. It is a project for substituting a new law for the old. The project of last year appeared to many members very radical ; but it is very moderate compared to the new scheme that Government has presented to the Chamber of Peers. The system of separate imprisonment, applicable to all classes, untried or convicted ; to all terms of imprisonment, from one day to confinement for life ; to women as well as men ; to juvenile offenders as well as adults, is admitted as a general principle in the new *projet de loi*. The only exception which is introduced is with regard to juvenile offenders, that in certain cases another system might be applied to them in preference to individual imprisonment. This system, so essentially preserving and moralising, cannot be used for young offenders as it is for convicted adults ; but to a certain class of young offenders, such as those who belong to rural districts, it is desirable to apply another system, such as apprenticing them to husbandmen. For this a special provision is made.

“ What I maintain is, that the system of individual imprisonment, in all the latitude that it allows, and which was defined at Frankfort, has been adopted by France.

“ The attention of the Chamber of Peers has been attracted to this project, which has been submitted to a commission composed of the most eminent men. This commission has nominated for their reporter, M. Béranger de la Drôme, who has laid his report before the Chamber of the 17th of April of this year. (1847.) This report is the most clear, concise, and admirable that has been framed on the penitentiary question, which now engages the attention of France and other nations. If this law be adopted in France, as I hope it will be, those condemned to the Travaux Forcés, either perpetually or for

a time, will suffer their punishment in a cellular prison. Those condemned to the Travaux Forcés will still be subject to their mark of disgrace, *le boulet au pied*, instead of being joined two together by means of a chain. For the penal code says those condemned to the Travaux Forcés shall be attached in couples with a chain, or shall drag a ball to their feet. There is also a difference in the wages allowed for work: those condemned to travaux forcés will only receive three-tenths, those condemned to solitude will receive four-tenths, and those sentenced to simple imprisonment will receive five-tenths. Lastly, there is a difference in the discipline, which is more or less severe as it is applied to different classes of criminals. Here, then, in few words, is the simple, and, I may say, rational provision of the *projet de loi* submitted to the French Chambers. You see that it is only the reproduction of the important resolutions passed at the late Congrès Pénitentiaire (at Frankfort.)

“As respects new prisons, some have been built; but the progress has been stopped by another provision of the new *projet de loi* not less important. The provincial prisons are built at the expense of the departments. In their impatience to see the system of individual imprisonment applied without delay, many of the *Conseils généraux*, without waiting the sanction of law, have taken on themselves to vote funds for the establishment of cellular *maisons d'arrêt*. It is thus that twenty or thirty provincial cellular prisons have been built in a few years, but since the *projet de loi* has been known, zeal has abated, for this reason, that the Departments will no longer defray the expenses of constructing cellular prisons. Government alone will support the expenses of the Maisons Centrales.

“This new system is perfectly reasonable; for imprisonment, of whatever duration, is a public penalty, which ought to be at the expense of the public and the state.

“If then there has been in the departments a smaller num-



ber of cellular prisons constructed during this year than in the preceding year it is not because the *conseils généraux* have a less favourable feeling now than formerly towards the Separate System, but because they very naturally hesitate to incur the expenses of building, now that Government is on the eve of making that devolve on the state."

M. Gustave de Beaumont after reverting to the provision of the *projet de loi*, which has been described, observed—

"We have therefore to regret the suspension of the building of prisons, which the anxiety of the provinces to adopt the system led them to erect. However, this change was necessary; for can anything appertain more entirely to the central power than justice? And is not punishment a part of justice? But from this regulation an evil has arisen, namely, that the carrying out of penitentiary reform, which was making such rapid progress, is somewhat retarded. We saw a number of new prisons built every year; there has been a sudden cessation of this; you understand now what has been the cause which has arrested the great effort for reform. But would it be correct to say that the moral impulse for reform has been stopped? No; this has never been more rapid. During the last year it has made immense progress in France.

"It is true that government has adopted nearly all the resolutions authorised by the Congress of Frankfort as shewn in the *projet de loi* presented to the Chamber of Peers. But what is more than the opinion of government, however respectable and influential that may be, is public opinion. In France the great repugnance of the public opinion to the cellular system is lessened, and the apprehensions felt by those who, like me, were convinced of the excellence of the system have now ceased. In the midst of the petty dissensions not yet entirely quelled there has been nothing important. There exists now a general deeply rooted opinion that the cellular



system of imprisonment is the best. The sharp attacks directed not long ago against this system by the liberal and national press of France have not re-appeared. We cannot quote any accredited organ of the French press which shows the same hostility as in time past to the system sanctioned by the authority of the Congress of Frankfort.

“Doubtless, there are still some difficulties. There are two which especially prejudice the public mind. The first is the application of the cellular system to very long imprisonments. I am convinced, for my own part, that the more we reflect, the more we shall be assured from the documents of other countries, which will enlighten us in the midst of the prejudices that yet trouble us, the more we shall find that these fears are chimerical, that the penitentiary system may be applied with advantage to the longest imprisonments. I am convinced of it, but as we are only here as reporters we must state facts, and not mislead by fanciful representations. Now, that which troubles some sincere, conscientious minds, is the fear that the application of the cellular system to imprisonments of long duration is dangerous to the reason and life of the prisoners.

“There is another fear entertained by magistrates and eminent lawyers, it is the fear that the cellular system might produce too much sameness in the punishments, which would do away with the degrees of the penal scale, and thus weaken the means of repression, established to punish criminals and intimidate the wicked.

“In my opinion these fears are without foundation. At present the punishment of imprisonment, which bears different names, imprisonment, seclusion, compulsory labour, is subject in fact to one regular mode, and nevertheless it would be incorrect to say that the different penalties constitute but one punishment. It will be the same when they shall have the punishment of separate imprisonment, distinguished by all the gradations of which it is capable. Besides these two

impressions which still exist in France, and which will doubtless be lessened by further consideration, I may be permitted to declare that the cause of separate imprisonment is at this hour completely gained in France.

“This favourable opinion of the public by which we are supported, will henceforth promote the great question which occupies us. If anything can strengthen it, the deliberations of such a congress as that of Frankfort and of Brussels must do so. These meetings are a great and noble institution, which I uphold with my whole strength. Formerly Governments alone united in congress. At present, enlightened people send their representatives to these great assemblies, there to deliberate on the conduct of Governments, happy to be able to support themselves on the sound opinions of the country. Yes, gentlemen, I consider what has passed as an important event. I cannot turn my mind from facts which are accomplished not only here, but yet far from us. Whilst we peaceably deliberate here, Europe on the other side is greatly agitated, perhaps preparing revolutions. Here we enjoy the liberties which revolutions have acquired for us. Elsewhere they labour to found liberty; they give themselves up to terrible, dangerous conflicts, whilst, enjoying our acquired liberties, we yield ourselves to the noblest employments it is given to man to pursue, those which have for their object the promulgation in the world of the principles of justice, morality, and humanity.”

In the former volume I have referred to La Roquette, and some other prisons in France, in which the Separate System is so advantageously and so wisely pursued. The following extracts from recent Reports, justify the sanguine hopes which were cherished, and the attachment now shewn towards this humane and corrective system.

From Bordeaux, where the separate prison for 168 criminals has been occupied now about five years, the Prefect writes—

“It is now fully established that the health of the prisoners is better under the Separate System than under any other, that they receive with more fruit the consolations of religion, and that, not being excited by the bad example and counsels of their fellows, many reform, while none grow worse.’ The physician writes that he was formerly disposed to consider this system as unfavourable to health, but his opinion has now changed. ‘Only one original case of insanity,’ he says, ‘has occurred in the prison, and this was of a convict on receipt of the news of the rejection of his appeal for a new trial.’ The Visiting Committee of Bordeaux, write ;—‘For our own part most of us having originally formed opinions unfavourable to the system of separation by day as well as by night, we deem it our duty to declare that *experience has proved we had fallen into error*;—and that we consider the system of separate imprisonment, accompanied by labour, reading religious services and daily walks,—the system, in short, as it is practised at Bordeaux,—as one of the reforms which reflect the greatest honour on our age.”

The authorities of the cellular prison at Tours assert most positively—

“That in regard to the sanitary condition and the moral education of the prisoners, the system of total separation, so violently and so unjustly attacked, produces the most remarkable results. Of a total number of 1626 persons who have entered the prison since its inauguration, sixteen only have been transferred to the hospital, and one only has died;—and this single case of death was of an old man of seventy, who was labouring under a chronic affection of the lungs. If we seek for the influence which it exercises on the intellectual faculties of the prisoners, we must recognize that far from

disturbing their reason, it produces on their minds the most salutary results. In proof of this I may mention that not a single case of insanity has occurred in the prison, and that many who have been condemned for a term, which requires their removal to the *maisons centrales*, solicit as a real favour, the permission to complete their imprisonment in their cell. Since my last Report, of 17th January, 1845, I have received thirteen petitions to this effect." \*

The Physician of this prison reports that—

"A writer at Bordeaux had attacked the system of separate imprisonment, on the authority of the charges made in the Reports of the Boston Prison Discipline Society, against the Philadelphia prison, and having repeated these charges, had continued; 'At Senlis, at Vannes, and at Tours, the same results have been found, constant attempts at suicide,—madness,—frightful mortality!' 'It is not my province,' says Dr. Haime, 'to defend the Philadelphia prison from the attacks of the Auburnian Society of Boston; neither can I speak of the prisons of Senlis and Vannes,—I have not seen them. But for that of Tours, I must declare that this writer has been led completely into error,—imposed upon by statements totally false—conceived in party spirit—and which I defy him to prove.' He concludes: 'My own experience of this system serves to confirm the opinion twice solemnly announced by the Royal Academy of Medicine, that far from menacing the existence, either physical or moral, of the prisoners, it is on the contrary, as compared with former systems, eminently proper to fortify and ameliorate both.'"

The Chaplain of this prison writes—

"The raillery of the wicked, and the fear which they inspire in those less perverse, prevent these last from manifesting that desire for reform, to which their consciences prompt them. All therefore turn into ridicule, by words or signs, the coun-

\* See Vol. I. p. 135.

sels of the Chaplain, and stupidly mock him during his absence. But at Tours it is so no longer; and now that the prisoners are entirely separated one from another, the Chaplain is looked upon as their welcome visitor—their friend—their consoler. \* \* \* Among those now in the prison of Tours, he cites the case of a young man, who committed a robbery two days after his discharge from the *Maisons de Force*, of Fontevrault. This prison is on the *silent system*, that is to say, the prisoners are supposed never to speak together,\* yet the robbery was *concerted in the prison*.”

The Physician of the prison on the Separate System at Montpellier, reports—

“There are fewer maladies under the new system than under the old. *Pulmonary complaints have above all diminished*. The average number formerly was thirty-one cases in one hundred and twenty-one. Under the influence of the new system there have been only seventeen in one hundred and twelve. Rheumatic affections have diminished one half. The epidemics of different seasons do not penetrate the cells, while under the old system, every disease in town was repeated in the prison. The cases which occur are not only less numerous than before, but are of shorter duration. Prisoners who were feeble, emaciated and languishing, on arrival, have acquired in a short time all the external signs of perfect health. Can any one doubt, any longer, of the good effects of the system on those who are well, when it aids so powerfully in restoring the health of those who are ill? Out of six hundred and fifty-eight men and one hundred and sixty-six women received in the prison three men and one woman have been put under treatment for mental derangement, but each one of them had shown signs of insanity before coming

\* In the Report of M. Demetz upon the prisons of the United States, he mentions that in that of Sing Sing, on the silent system, on the second day of his visit, his object and his character were known to nearly all the prisoners.



to the prison, and experience shows that the system of isolation with its attendant visits, instead of increasing, has a tendency to moderate and quiet the predisposition to mental derangement."

Dr. de Balzac, professor of the Royal College of Versailles, says of the prison for the department of the Seine—

"The sanitary condition of the cellular prison is incomparably better than that of the prison in common. Experience has shown that the system is favourable to the health of the prisoners, that it has no deleterious influence on their intelligence, and the most simple observation enables one to satisfy himself, that it is favourable also to their moral education."

I cannot better conclude this chapter than by inserting an extract from a letter from Le Comte Gasparin, a Peer of France, and formerly Minister of the Interior, addressed to Mr. Sumner, a distinguished advocate of the Separate System in America, a copy of which I have lately received from that gentleman, with other information of which I have thankfully availed myself.

"The great advantage,—the inappreciable advantage of cellular imprisonment,—that which should cause it to be adopted in spite of its inconveniences, if it were true that it had inconveniences even greater than those which have been conjured up,—is, *the complete separation of prisoners*,—the suppression of their mutual instruction in crime,—the ignorance in which they are of their fellow-prisoners, and in consequence the impossibility of their recognizing one another and forming criminal associations on their discharge.

"Every Government which in the actual state of society and of the progress of social science adopts any other than the

Separate System, will expose itself to the necessity of having before long to reconstruct its prisons.

“Experience has not confirmed the fears which were entertained as to the results of this system upon the health of prisoners when it is conducted with the desirable attention and charity, as it is, in short, at Paris in the house of juvenile offenders, and in many of our departmental prisons, particularly that of Tours where I have observed its effects with care. The health of the prisoners is good; they work with ardour, and do not wish to return to the society of their comrades. It must be remembered, however, that once within the walls of the prison, *the idea of punishing a culprit must give place to that of correcting and reforming a man.* He should meet only the kindly looks of those who are sincerely occupied with his spiritual health and not the looks of turn-keys and executioners who seek to impose on him an expiation. Confirmatory facts from every side come to the support of our own experience. \* \* \*

“I beg you to believe me, Sir, with sentiments of special regard,

“Your devoted friend,

“GASPARIN.”

## BELGIUM.

VOLUME ON CORRECTION OF CRIMINALS BY THE COUNT VILAIN XIV.—PRISONER'S CAGE AND TORTURE AT ANTWERP.—MAISONS DE FORCE AT LIEGE, BRUSSELS, AND GHENT, VISITED BY HOWARD.—CONSTANT MANUAL EMPLOYMENT DEPRECATED.—L'ATELIER DE CHARITE AT GHENT.—PRISON DISCIPLINE IMPROVING.—SPEECH OF M. DUCPETIAUX.—THE SILENT SYSTEM CONDEMNED.—THE SEPARATE SYSTEM COMMENDED.—SPEECH OF M. LE BARON DE HODY.

THE close connection of this kingdom with other continental powers would lead us to expect that the state of its prisons should be nearly similar. I have not been able to find any description of an earlier date than 1775, when a volume was written by Count Vilain XIV., intituled, “*Memoire sur les Moyens de corriger les Malfaiteurs et Fainéaus a leur propre Avantage et de les rendre Utiles a l'Etat.*”

The attention of authorities appears at this time to have been very much directed to the improvement of their prisons, and the immense Maisons de Force of Vilvorde and Ghent were almost completed in 1776. Some idea of the system of discipline pursued before that period may be formed from the following statements we have received :—

“ In the prison at Antwerp there are two rooms for citizens ; and up stairs there is a cage, about six feet and a half square,

into which criminals are put before the torture. A criminal, while he suffers the torture, is clothed in a long shirt, has his eyes bound, and a physician and surgeon attend him; and when a confession is forced from him, and wine has been given him, he is required to sign his confession; and about forty-eight hours afterwards he is executed."

Howard, in his first book on Foreign Prisons, shews us that most horrible cruelties were perpetrated in some prisons of this kingdom; respecting that of Liege he says—

"In two rooms of the *old* prison I saw six cages, made very strong with iron hoops,\* four of which were empty. These were dismal places of confinement; but I soon found worse. In descending deep below ground from the gaoler's apartments, I heard the moans of the miserable wretches in the dark dungeons. The sides and roof were all stone. In wet weather, water from the *fosses* gets into them, and has greatly damaged the floors. Each of them had two small apertures, one for admitting air, and the other with a shutter over it strongly bolted, for putting in food to the prisoners. One dungeon larger than the rest was appropriated to the sick. In looking into this with a candle, I discovered a stove, and felt some surprise at this little escape of humanity from the men who constructed these cells.

"The dungeons in the *new* prison are abodes of misery still more shocking; and confinement in them so overpowers human nature, as sometimes irrecoverably to take away the senses. I heard the cries of the distracted as I went down to them. One woman, however, I saw, who (as I was told) had sustained this horrid confinement forty-seven years without becoming distracted.

\* The dimensions were seven feet by six feet nine inches, and six feet and a half high. On one side was an aperture of six inches by four, for giving in the victuals.

“The cries of the sufferers in the torture-chamber may be heard by passengers without, and guards are placed to prevent them from stopping and listening. A physician and surgeon always attend when the torture is applied; and on a signal given by a bell, the gaoler brings in wine, vinegar, and water, to prevent the sufferers from expiring.—‘*The tender mercies of the wicked are cruel.*’ Thus in the Spanish inquisition, the physician and surgeon attend to determine the utmost extremity of suffering without expiring under the torture.” \*

From the same author we learn that plans which we have since adopted were, when he visited Flanders in 1778, there practised.

“At Brussels there were twenty-four *felons* in the prison *La Porte de Halle*, which consists of twenty-four chambers, distinguished by the letters of the alphabet. Each prisoner had a separate room: daily allowance, two pounds of bread (*pain de munition*) and some soup: on Sunday, except in Lent, a pound of meat.”

Describing the *Maison de Force* at Ghent, he says—

“In order to the admission of a prisoner, previous notice must be given by the city or province that sends him. When he comes, he is shaved and washed: a surgeon examines him; and if healthy, he is clothed with the uniform of the house, which is marked with the number of his room; to it he is conducted by one of the most orderly of the prisoners, who is appointed to that service, and who also acquaints him with the rules of the house. Commitment from one year to twenty or more.† \* \* \* I revisited this prison in 1778 with one of the magistrates, and found that they were still carrying on a well-regulated manufactory. There were two hundred and eighty *men* prisoners, and one hundred and seventeen *women*. These latter had on the *house* clothes,

\* Foreign Prisons, p. 124.

† Id. p. p. 128, 134, 135.



and were at work. Most of them were spinning or knitting, ranged in proper order, attentive and quiet. I was informed that all the prisoners are allowed one-fifth of their earnings for themselves."

I have already spoken of the mischievous tendency of permitting criminals to spend time which should be devoted to corrective instruction, in mere manual occupation. It was indeed with a lively interest that I lately walked through the wards and workshops of this prison, calling to mind the description of that great philanthropist, who seventy years since had preceded me, and so accurately represented what may yet be seen. But I could look with little satisfaction upon the continuance of a system which experience has shewn to be so preventive of any reformatory process.\*

I shall be pardoned if I digress somewhat to add, that after inspecting the Maison de Force, at Ghent, I visited the "Atelier de Charité," which was established in 1817 "pour l'extirpation de la mendicité," in which I was heartily pleased to see a large number of paupers, and especially of children, who had spent the earlier part of the day at their books under suitable instructors, then busily employed in spinning, lacemaking, and the like occupations, by which the expense of the establishment was nearly defrayed. The institution was on a larger scale, but of a somewhat similar character to that at Bridgenorth, which has been described. I was for-

\* See vol i. ch. viii.

cibly impressed with the belief that the workshops provided by this wise charity were far more calculated to prevent crime than the workshops of the prison to improve criminals.

The prospects of Belgium, as respects Prison Discipline, are now bright. Under the direction of the talented and energetic M. Ducpetiaux, the Inspector General of its prisons, the Separate System will, I trust, ere long be established throughout the land. Twelve years since did this gentleman strongly recommend it. The following is an extract from his writings of that date :—

“ The system of solitary confinement, by day and by night, is destined,” he says, “ to produce a change of which the consequence cannot fail to be beneficial. It is founded less upon the importance of pecuniary advantages than upon that of moral results. Submitted to its discipline, the convict will perhaps earn less money for the State ; but, on the other hand, the imprisonment acting upon his mind with greater force and intensity, may be abridged in duration, fewer re-committals will occur, and the number of prisoners will be proportionably diminished.

“ The system may be regarded as a sort of protest against the employment of brute force and *espionage* in the management of prisons. It admits none but moral agents, capable of leading the culprit to a sense of duty, without adding to his abasement and degradation. The isolated convict does not, I grant, enjoy the mute society of his companions in captivity, but he has frequent intercourse with the officers and visitors of the penitentiary. His mind is not occupied with the active scenery around him, but he finds a sufficient resource in his work, in reading, and in the visits that are paid him. Why, then, should we hesitate to make trial of a

system, whose efficacy is more than probable, for the purpose of giving the preference to a system whose success is doubtful.\*

I shall best shew the necessity for Penitentiary reform in Belgium, how far it has proceeded, and how much is promised, by quoting from the description given by M. Ducpetiaux and by a Belgian Nobleman at the late Congrès Pénitentiaire.

“ We claim for the towns of Ghent and Vilvorde the honour of having introduced the system now called Auburn even before that it existed in America. During the long years of war, and even whilst under the Dutch rule, little attention was bestowed on prisons. But since 1830 the Belgic Government has shewn much concern for their reform. During the last sixteen years they have done all that was possible for the further improvement of prisons, with regard to security, cleanliness, order, diet, clothing, and labour, founding all upon the Auburn system. They have done all that they ought or could have done. So far the criminal establishments of Belgium may be justly compared with those of other countries. Nevertheless, it must be admitted that *this experiment, which has been pursued with zeal and perseverance for sixteen years, has completely failed, if we are to judge of its results by the improvement of criminals, the decrease of crime, or by re-commitments.* In the year 1843, the Directors of the *maisons centrales*, together with the Minister of Justice, were asked for the result of their experience on this subject. All agreed in saying, that much as they had increased the severity, the inspection, and the discipline of these prisons, they had not, however, observed any improvement amongst the prisoners with regard to their morals, and that the number of re-commitments, far from diminishing, continued to increase; that this proceeded chiefly from the fact of the intercourse and

\* Des Progrès et de l'état actuel de la Réforme Pénitentiaire, p. 88.

association of the prisoners, an intercourse which could produce none but bad results, and essentially impede the moral reformation of the prisoners. The Chaplains express themselves still more positively on the same subject. Government has for some time been convinced of the necessity of reforming the system of imprisonment now pursued. In the year 1835, thirty-two separate cells were constructed in the *maison de force* at Ghent, still later 63 in the military prison at Alost, 150 at Bruges, and some also in several other prisons. At length, in 1844, the Government presented to the Chambers a proposition for the introduction of the Separate System into all the men's prisons, (juvenile offenders, as well as females, to be excepted provisionally.) This proposition has not been discussed, but there can be no doubt as to its being adopted. Meantime Government, impelled by the fearful number of crimes and re-commitments, has determined on increasing the number of prisons. For this purpose, it has recently ordered the erection of a new house of correction at Louvaine for 500 criminals; and, without hesitation, it has adopted for this establishment the Separate System, precisely the same as the Pentonville model. The King immediately signed the necessary decree to this effect. This measure is perhaps illegal, but it shews the degree of favour which the new system of imprisonment has acquired in the public mind. In the forthcoming *budget*, we shall find a proof of the progress which this system has made amongst us. Thus the positive results of many years' experience as to the prisons of our country, may be summed up as follows:—the complete inefficacy of the Auburn system; the declaration of all practical men that they could not hope for any moral reformation from the operation of this system; and that the fact alone of the intercourse of criminals in the prison yard, and in the common workrooms during the day, is sufficient to destroy the small advantage derived from the separation during the night.

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In Belgium, we have not been able to decide on this question, from positive experience arising out of a comparative trial of the two systems; it is especially by the inefficacy of imprisonment in common that we have arrived at the knowledge of the advantages of the opposite system. Successively, and in several prisons, we have united to the common imprisonment all the modifications of which it is susceptible; we have tried common dormitories and also cells at night—classes according to the nature of the crimes and according to the presumed morality; we have increased the number of inspectors, improved the discipline, employed all means of moralisation compatible with the rule of association; we have opened schools, multiplied religious exercises. But all these efforts have been pursued without satisfactory results—all these ameliorations have been counterbalanced and neutralized by the incessant action of promiscuous association. To combat the effect of this association we have made new efforts; silence has been imposed on the criminals, and the persons employed in the prison have been charged to maintain strictly the application of this severe rule. This new trial was not more happy than the former; it seemed only to shew the impossibility of forcing human nature—the absurdity of a system which, under the pretext of removing the inconveniences of solitude, has the effect of isolating them completely in the midst of their companions, and of continually exposing them to the temptation of breaking the rule; also the persons employed to watch over its maintenance are not slow in considering this order of things as an inhumanity, a real barbarity. In short, I am convinced that if silence could be strictly maintained, it would almost inevitably lead to madness and death. \* \* \* The penitentiary system is clothed with a character and simplicity which defies all objections. It may be thus briefly summed up:—It removes the prisoner from all dangerous influence; it subjects him to every influence favourable to his correction and amendment.



M. Le Baron de Hody said—

“ We believe that the cellular system may very well, as was decided by the Congress of Frankfort, be adapted to every class of convicts ; but we think that a law is not merely a dogma, it is often only the application of certain principles to certain local necessities. We should require everywhere new prisons for the untried, two new *maisons centrales* for convicts, a new prison for convicts sentenced to compulsory labour, and, finally, a new prison for those sentenced to close confinement. Each *maison central* would require, at least a sum of 1,500,000 francs. In addition to these buildings (and observe, I only speak here of prisons for men,) we should require the keeping up of several prisons for particular classes of prisoners. Thus, for example, the prison of Alost, appropriated to soldiers, may very well be kept fifteen or twenty years longer. This is what I had to say relative to our intentions ; but we also think that the cellular system might be applied to all the world.

Now, as to new prisons, I will inform the assembly that since last year we have laid the foundation of the prison of Liège, which will contain 360 cells. This prison resembles the fore part of that at Pentonville, including the chapel fitted up, and well contrived for the exigencies of catholic worship. This building will serve to convince certain minds, and to make the cellular system acceptable to them ; indeed, many persons consider this system irreconcilable with the performance of catholic worship. Now, I can assure you that after having seen this chapel at Liège, every catholic, every ecclesiastic will take away the conviction that the protestant chapel of Pentonville will answer perfectly to all that we require.\* The prison

\* Upon this observation of Le Baron de Hody, I would repeat that the arrangements of the chapel at Vilvorde Prison appeared to me very objectionable, as I stated at the Brussels Congress. The small part in which Divine service is celebrated formed the centre, from which some long rooms diverged, in which the prisoners were assembled at their meals. The explanation of the excellent Inspector General, that at such times the centre

of Dinant will contain forty-eight cells; it will be built on a circular plan.

“At this time they are laying the foundation of a cellular prison for women at Brussels. For want of space we have allowed certain common rooms, but in which there shall be no communication between the prisoners; whilst we have established separation by iron plates as existed in the former *maison de sûreté*. I do not cite this as a model, but as the example of a prison which it has been possible to improve. The cellular prison of Courtray will contain 180 prisoners. There is a very bad prison at Bruges: we have tried to improve it by adding to one side a cellular building intended for 139 prisoners. This prison is built on the plan of the cellular prison of Tours. A cellular prison will also soon be built at Charleroi, which will contain about 200 prisoners.

“Thus, although the law has not been passed, the Government has proceeded in advance as much as they could; for it cannot enter into the mind of a reasonable man to refuse the cellular system to the untried, whose innocence may be proved. The prison of Ghent is very defective; those who have seen the bridewell to which it is annexed, have remarked that it is very confined: it is indeed only one of the branches of the prison of M. le Comte Vilain XIII. The Government has just obtained a piece of ground large enough to build a prison of 500 cells, similar to that at Pentonville. Want of money has hitherto prevented the erection of a cellular prison for convicts at Louvain: the Chambers, I doubt not, will soon grant the necessary sums for building. We have the land:

was concealed by folding doors, I could not think satisfactory. The place in which the Almighty is publicly worshipped ought not to be desecrated to other purposes for the mere sake of convenience or economy. I am pleased to add that this opinion was in accordance with the general feeling of the Congress, and that under the second resolution it was determined that it was essential in the construction of cellular prisons, to arrange the chapel in such a manner as must effectually correct the evil complained of.—*See the Resolution.*

they have only to build. I will add two words for persons unacquainted with the deliberations of the Congress. Many of them mistake our business in some respects. I wish it was clearly understood, that it is not only for the convicts that we labour, but for society. As an old lawyer, I think I may speak on this subject with confidence. Well, I do not hesitate to declare myself a partisan of the cellular system, because it is the most corrective, I will even say the most dreaded ; but we must, as much as possible, soften its severity, for a man is not a dog. A man should be well treated, even when he is guilty : he must not be tortured. A guilty man is not less a man, and as such ought to live in a healthy and proper condition. He must not escape ; but neither must he be ill-treated. I am convinced also that the cellular system offers to society more effectual guarantees for security than the present system, particularly in that there would be fewer escapes."

## HOLLAND.

PRISONS OF LAST CENTURY WELL MANAGED.—PUNISHMENT UPON RIGHT PRINCIPLES.—CORRECTIVE DISCIPLINE.—HOWARD AT AMSTERDAM.—HE ATTENDS DIVINE SERVICE IN PRISON.—SPEECH OF PROFESSOR DEN TEX.—STATE OF PENAL LEGISLATION IN HOLLAND.—THE SEPARATE SYSTEM APPROVED.—SPEECH OF M. SURINGAR, AT FRANKFORT.—FAILURE OF ATTEMPTS TO CLASSIFY CRIMINALS.—INCREASE OF CRIME.—NEW CELLULAR PRISONS.—ARCHITECT SENT TO ENGLAND.—EVILS OF ASSOCIATION INSISTED UPON.—DECEPTION.—FEIGNED SICKNESS AND MADNESS.—AN EXAMPLE.—THE CELL AND THE WORKROOM CONTRASTED.—SPEECH AT BRUSSELS.—THE SEPARATE SYSTEM ADOPTED FOR ALL PRISONERS IN HOLLAND.—WISH OF ELIZABETH FRY REALIZED.—CELLULAR IMPRISONMENT DESIRED BY FEMALE PRISONERS AT GENEVA.—NEW CELLULAR PRISON AT AMSTERDAM.

## LUXEMBOURG.

SEPARATE IMPRISONMENT ADOPTED.—SOME DIFFICULTIES IN ARRANGEMENT OF PRISONS.

FROM what has been already said concerning the prisons of Holland and some wise regulations in their government which have been noticed, the reader has probably received a favourable impression as to the humanity and sound judgment of the Dutch in their treatment of criminals. Towards the close of the last century, whilst America was trying experiments upon the power of human endurance, and by schemes of severity seeking in vain to correct offenders and to deter the vicious, Holland,

we know, was even then pursuing in several prisons the very system which, with some improvements indeed, but still the like plan of separation, we now commend. Prisoners were separated, strict order was preserved, not by harshness, but by decision and judicious kindness, and reformation was sought by the only effectual means—that of moral and religious instruction. Howard affords us proof that sound principles were recognized in the treatment of criminals, by giving us an inscription which he saw over a doorway where some were confined, and which he thus translates :—

“ Fear not ; I mean not vengeance, but your reformation, Severe is my hand, but benevolent my intention.”\*

The real delight with which our philanthropist witnessed the means of correction employed in Holland, caused him to give expression frequently to an earnest desire that similar plans might be pursued in his own land. Thus, on occasion of his attending Divine service in the prison at Rotterdam, he writes :—

“ I cannot forbear closing this account, without mentioning the ardent wishes it inspired in me, that *our* prisons also, instead of echoing with profaneness and blasphemy, might hereafter resound with the offices of religious worship ; and prove, like these, the happy means of awakening many to a sense of their *duty to God and man.*”†

\* Foreign Prisons, p. 73, 2nd Book.

† On conversing with a sensible magistrate, his words were, “ I have known persons who have come out of our houses of correction thoroughly reformed, and have thanked God for their confinement.”—*Howard's Foreign Prisons*, p. 59.



The following statement is also a proof of wise precaution and benevolence :—

“ The children of the malefactors who are executed, are sent to the orphan-house, and there brought up in industry, and not left destitute vagabonds to become unhappy victims to the wickedness and folly of their parents.”—*Id.* p. 63.

It would appear from the statements of the speakers at the late Congrès Pénitentiaire at Frankfort, that the careful and corrective treatment of prisoners in this country, as described by Howard, was for a time interrupted; that crime therefore increased; but that recently what was good has been revived, and the cellular system will, ere long, be universally established. I quote from the speech of Professor Den Tex, and from those of M. Suringar, the President of the Society for the Improvement of Prisoners at Amsterdam, men whose talents and zeal, and indefatigable exertions in this pious work, have tended greatly to secure for their country the blessings which attend a truly corrective penal discipline.

M. DEN TEX, at the first Congress, observed—

“ To this hour Holland is still regulated for the suppression of crime by the French penal code of 1810, and by *l'arrêté-loi* of December, 1813. A proposal for a new code was presented in the year 1827, but this project, which rested entirely on the old repressive system and on corporal punishment, has not been followed up. In the year 1840 the first book of the penal code was adopted, and has been received as the base of the new system of imprisonment. The system of the separate cell at night, with intercourse during the day in their usual

occupations, as is practised at Auburn. But amongst us, as everywhere else, none can be slow to acknowledge the inefficiency of this system. For this reason there has been presented this year to the States General a proposition for revising the first book of the penal code, voted in 1840, and they have adopted the system of separate imprisonment as practised at Philadelphia, with the alteration, which excludes solitude, in order to have only the separation of criminals from each other, allowing intercourse with respectable people from without.

“The Minister of Justice has in his speech expressed his firm conviction that this system answered the purpose of moralising and repressing crime better than he had seen. This opinion was so well received by all the members of the States General that there was not one dissenting voice in their deliberations. Nevertheless the project has been rejected, but it was from the sole reason that the Chamber wished to adopt the whole and not merely the first book of the code. I can foresee that when a new proposition, comprising the whole penal code, shall be presented, the adoption of the Separate System will not encounter any serious opposition. I look then upon the question of imprisonment in Holland as settled. What proves this is, that expecting the law to interpose, Government is now building a new *maison d'arrêt et de justice* on the cellular system at Amsterdam.

“In the proposal for revising the first book of the penal code, the extent of the time for solitary confinement had been limited by Government to 15 years, but the States General have determined that this time is much too long. It has also expressed the wish that they had not fixed the system of imprisonment in the penal code, but had made it the subject of a special law, as had been done in Baden, and as was proposed in France and Belgium.

“So far as the actual state of our prisons is concerned it is not better than in other countries. The buildings are in a very bad state, and the number of convicted prisoners is con-

siderable, whereas the deprivation of liberty is the only means of punishment employed. Formerly the prisons were not so crowded, first, because the population was less, and also because the right of pardon was so much abused."

M. SURINGAR observed—

"My honourable fellow-countryman has been giving you a concise statement of the history and actual state of the penal legislation in the Low Countries; will you permit me to add a few words on the subject of prisons. During the last twenty years, Holland has not remained stationary as to the improvement and reform of prisons. Besides several important buildings, she has made, in the great prison of Leeuwarden, an experiment of the system of classification according to character. I have myself assisted in the building-up and propagation of this system, to which I have long been a friend: but experience has taught me it has only one error. One cannot, certainly, deny that the application of this system has been attended with some good results, but it ought to have succeeded in all which we thought we had a right to expect from it. One is more and more convinced that *all the systems of classification are insufficient and faulty*. Thus, notwithstanding the improvements introduced in the regulation of our prisons, one begins to observe generally that the actual state of things amongst us cannot and ought not to continue.

"The intercourse of criminals both in and out of prison produces frightful consequences. The number of criminals is constantly augmenting. The increase is not less than seventy-two per cent. during twelve years. The prisoners, as well civil as military, shew an increase of fifty-four per cent. in the same period. The total number on the 1st January, 1836, was not more than 3,665 criminals, and on the 1st January, 1845, it

was 5,322. It is high time to take severe and decisive measures. It is high time there should be no more intercourse between the prisoners in the great workrooms, where each can converse with his companion at his pleasure, and peacefully enjoy all the necessities of life. Imprisonment is no longer a punishment for them. It is necessary that it become a penalty, and that this penalty be applied in such a manner that it be at the same time a correction; it will thus be to them a means of preservation. Government and the legislative Assembly are disposed to adopt the system of separate imprisonment, and persons who have experience in this matter share their opinion. The Administrative Commission of the prison of Leeuwarden, in the report to the Minister of Justice, has declared unanimously in favour of the same system. Government, and the Netherland Society for the Moral Improvement of Prisoners, have contrived to send to England an engineer and an architect, that they may take plans of the different prisons, especially that of Pentonville. The report made by these two talented men is in favour of isolated confinement. It is only to be regretted that it has not been published, in order to remove by the facts which it contained, the last doubts which still remain as to the superiority of the Separate System,—doubts which, however, are very slight in the Low Countries. \* \* \*

“We must renounce the system of classification according to character, such as we have tried and proved in our prisons during twenty years, because an overseer cannot have the eye of the Omniscient to penetrate the internal feelings of each prisoner. Would a mixed system be better? No, it would only give half its fruit; and it is the whole fruit—it is a complete harvest we must seek to gather. Do we not wish to continue separation? Let us then reject it entirely, and not spoil it by a mixture. We refuse the counsel which has been given us, to follow the example of Bade, and adopt a system which allows partly separation and partly association. In



Holland they will have no interference with the working of the cellular system. There they proceed slowly ; but they are the more sure of arriving at the desired end. Without doubt, the Separate System will at first occasion great expences, but the economy which will result in the end from its adoption, by the diminution of relapses, and by the abbreviation of the length of punishment, will clearly show that the most expensive plan has been the cheapest."

As a proof of the evils attending permission to allow sick prisoners to associate, M. Suringar exhibited a table, which shewed that at the prison of Leeuwarden, where such a plan is followed, in one fortnight 385 represented they were ill, out of which number the physician found only twenty who were really so. He proceeds to ask :—

"What does this picture teach us ? That this single exception [to the rule of separation] takes away every day from the labours of the prison valuable time ; and that it foment among the prisoners wishes and inclinations the most detestable. Sickness is the pretence ; but idleness is the motive. On Sunday work is not obligatory, and on this day no one pretends to be ill. To the desire of indulging idleness is joined the hope of some amelioration in their condition—the wish to form some conspiracy--some chance of escape. It is in the infirmary that the prisoners learn falsehood, and that they truly lose their time. They anticipate sickness to be sent there : they prolong it there to remain.

"There are sicknesses of the mind, equally as of the body. Do you think they cannot assume these also ? Here is an example :—A celebrated culprit found himself confined in one of the prisons of the Low Countries. They learn that this man has suddenly lost his senses. Fits of fury, accompanied with horrible cries, return every day at certain hours. This state



continues three months. Two experienced physicians sign a positive declaration that this man is mad. An officer of justice makes another effort. He says to the pretended madman, in a severe tone, 'Your dissimulation wearies me, I order you to return to your senses.' The prisoner forgot this time the part he had so long played successfully. To satisfy the curiosity of the Governors of the prison, he explained to them how he had daily practised his deception, with such success, that at last he believed from time to time, that he was really mad. Yield to all those who complain of weakness of the head, the privilege so much desired of associating with their comrades and immediately the signal will be given to several amongst them to feign themselves wholly or partly mad. \* \* \* In the cell, although a prisoner, he is, in many respects, a free man, he has himself to himself. In the workroom he is a slave, the slave of his companions in crime. If sorrow and repentance take possession of him in his cell, he gives a free course to his tears. They ridicule him, in the workroom, if he show such weakness. In the cell, he takes his bible or prayer-book, six times a day, if he chooses. They would quickly say to him, in the workroom, as they said to the prisoner at Leeuwarden: 'What do you do with that old rubbish? Rather ask for the history of Victor the bandit!' In the cell, he may throw himself on his knees to implore forgiveness of his merciful Father, who sees what passes in his heart; he can strengthen himself in virtue by prayer; he loses the habit of swearing. Who, in solitude, can find pleasure in oaths? In the workroom, he must seek some very dark corner to utter his prayer, often he dares not repeat it. In the knowledge of oaths he finds his masters; the silent system, far from hindering, contributes to it; example is contagious. In the cell, he has an opportunity of learning more and more to know himself; which is a great gain for him, for the more we increase in self-knowledge, the more we improve. In the workroom, he learns to know others; he would have lost nothing by not

knowing them. In the cell, he approaches nearer to God, he tries to walk as in His presence. In the workroom, he draws near to his companions, he unites himself to them, for if he does not so, either by word, or by signs, he has no enjoyment. He makes then, a disadvantageous exchange by his removal; the good he acquires he loses; he enriches himself with things which he can, which he ought to do without, and they call this a privilege!

“ Shall I be told that I represent the prisoner in the cell much as he ought to be, but not such as he commonly is? Well, I suppose with you, that there yet remain in him a great many bad inclinations; the peaceful operation of the cell has not yet brought him to his apogee. In the workroom, without doubt, he will be completely at home. He no sooner arrives there than he takes lessons of evil; he gives them himself in his turn. Thus his arrival in the workroom is for those who are there a real misfortune, a curse. What lively sorrow, what bitter grief will not the Chaplain experience, the School-master, and, in short, all those who visited him in his cell, when they shall see him, on whom they have bestowed so many charitable cares, whom they have exhorted and consoled, make retrograde steps towards evil, and afresh corrupting himself in the place to which he will have been transferred! Who will have courage to work for the moral re-establishment of these unfortunate men, when they know beforehand that in one, two, three, or even six years of cellular confinement, the prisoner with whom they have taken so much pains, will be delivered, under the same roof, into the hands of professors in the art of wickedness, of professors who in six weeks,—what do I say?—in six days, in an hour, by a single counsel, by a single imprecation, as there are examples, will overthrow all that they have taken so much trouble to build up. But if the usual life in the workroom does not produce so much evil as we may suppose during the period of confinement, it certainly does by its consequences after liberation. One of the

principal ends of the Separate System is to prevent acquaintances amongst the prisoners after they are liberated, which is not a thing of small importance. In the workroom all the prisoners know each other by appearance as well as by name, and this knowledge too often ruins the happiness of the liberated prisoner who wishes to conduct himself well.

The following is extracted from the speech of M. Suringar, at Brussels, in 1847 :—

“I represent a small country, but I have important things to communicate to you. If a man of sense and a Christian were permitted to be proud, I should be at this moment, for Holland has made a master-stroke ; she has adopted the penitentiary system in a complete manner, founded on the principles laid down at Frankfort ; she has made no exception. She has applied the cellular system to all prisoners, not even excluding females. We have realised in Holland the wish of the celebrated Elizabeth Fry, who knew the hearts of depraved females, and who was quite favourable to the cellular system applied even to women.\* We have in Holland the advantages of this system so well shown forth in that excellent work, “Women in Prison,” by Josephine Mallet. Our excellent colleague at Geneva, M. Ferrule, has told us that the female prisoners of Geneva in lower life have, in an address, entreated to be placed in cells. As concerns Belgium, where so much has already been done, I expect that in the Belgie *projet de loi* they will do away with the exceptions contained in it, and that they will decide on the cellular system being also applied to females. This will be a great acquisition to Belgium.

“The new Dutch penitentiary system is founded on a new pénal code. The second and first chambers of the states general have adopted the first book of this penal code proposed by Government ; and as soon as the second and third

\* See p. 57.

books of this code shall be adopted, the reform will be considered complete.

“ They are employed at Amsterdam under the direction of two eminent architects, in establishing a cellular prison for 212 prisoners : it will be finished in a year. Thus the dissension is gloriously terminated in Holland. I am unspeakably delighted at it : it is a triumph of humanity. Crimes committed in prison, which bear no proportion with other crimes, will be abolished when cellular prisons shall be established. We shall have a decrease of millions in the number of crimes. Is not that a cause for congratulation ! ”

#### LUXEMBOURG.

IN this Grand Duchy there is a determination, notwithstanding difficulties, to abandon the demoralizing system of prison association hitherto pursued, and to adopt the plan of cellular imprisonment in its integrity. This may be shewn by an extract from the statement of M. Jurion, the Secretary-General of the Grand Duchy.

“ The Government of the Grand Duchy has decided that the cellular system shall be applied in its whole extent, in all its details. Already a sum, considerable as to the importance of the country, has been carried to the budget of 1848. The first year they will employ themselves with the necessary buildings. On this point everything is to be done. But a great difficulty presents itself, which is,—in a country of so little importance it is impossible to have distinct prisons for each denomination of criminals, or even for each sex. This difficulty is in common with the twenty-four States of the Germanic Confederation, which have less than 300,000 inhabitants. It is a difficulty that your discussions will doubtless remove in a great degree. The Grand Duchy, as well as the other petty States of the Confederation, feel the greatest interest in the question.”



## PRUSSIA.

PRISONS BETTER THAN IN OTHER NATIONS.—TORTURE-ROOMS DESTROYED, CHAPELS PROVIDED.—DR. JULIUS APPOINTED COMMISSIONER TO AMERICA.—HIS ACQUAINTANCE WITH, AND ATTACHMENT TO, THE SEPARATE SYSTEM.—VISIT OF THE KING TO PENTONVILLE PRISON, RESOLUTION THERE EXPRESSED.—ACCOUNTS OF NEW PRISONS.—APPROVAL AND PROGRESS OF THE SEPARATE SYSTEM.

To the honour of the enlightened Sovereigns of this kingdom, its penal code and its prisons have been for the last century less objectionable than those of most other continental Powers. Without entering into details by which the gaols of Prussia were distinguished, I need only state that when they were visited by Howard in 1776, he found that not a single torture-room had been retained in them, but that the cruelties for which these rooms were required had been entirely abolished; at the same time he tells us that a chapel was provided in every prison, and that scriptural instruction was imparted.

The bas-relief over the gateway of some prisons, amongst them that of Mentz, was curious, and interesting as shewing that prisoners in this kingdom were not prejudged incorrigible. It consisted of a waggon drawn by two stags, two lions, and two wild boars; with an inscription explaining the device, which is, that if wild beasts can be tamed



to the yoke, we should not despair of reclaiming irregular men.

The pious desire of the late King to punish with mercy, but in a manner severe enough to repress crime more effectually, prompted him in 1834 to appoint the excellent Dr. Julius as a Commissioner to the United States of America, for the purpose of investigating the systems of discipline there pursued, and of ascertaining the results of the experiments which had been tried. Faithful to his trust, Dr. Julius devoted his time and talents during three years to his important duties. His published reports fully testify his conviction in favour of the Separate System. He has become one of its most strenuous advocates. It has been the privilege of the Author to enjoy personal converse with this eminent man, and to learn from the lips of one so experienced, and in all respects so competent to form an accurate judgment, the ardour of his attachment to this corrective system, and his firm determination to promote its extension.

In 1841 the present King visited England. The prison at Pentonville, at that time nearly prepared for the reception of convicts, was inspected by His Majesty. Whilst admiring its construction and arrangements, he could foresee something of the effects which would ensue, and anxious that his own subjects might share the advantages he had the wisdom to anticipate, he is reported to have said, "My determination is now fixed." In Prussia,

therefore, the Separate System, as we shall see from the following account of Dr. Julius, is established and extending.

“I present to you observations taken from official documents relating to the extensive penitentiary establishments in the kingdom of Prussia, at the commencement of this year.

“The Government directs and supports, at this very time, twenty-six penitentiaries. To these must be added a house of correction, containing three or four hundred prisoners, situated in the canton of Luckau, in Lower Lusatia. This makes the total of twenty-seven. Of these twenty-seven establishments, eighteen are Royal, and one belongs to the state of Lower Lusatia; in all, nineteen are in the old provinces, which are under German law, and eight in the Rhenish provinces, regulated by the French code.

“These twenty-six establishments (Royal penitentiaries) contain 13,283 prisoners, of which 9,858, and the three or four hundred in the house of correction, which belongs to the state of Luckau, in all about 10,200 persons, belong to the seven eastern provinces, and 3,425 to the Rhenish provinces. These numbers are not proportioned to the population of these two divisions, the first containing 12,800,000 inhabitants, and the second 2,500,000; the proportion of the eastern and western divisions being nearly fifteen to three, and the prisoners that of fifteen to five. We, nevertheless, must be careful not to be hasty in calculating the relative number of the criminals of these two divisions. The penal laws of the French criminal code are as much too severe as those of the eastern divisions are too mild.

“It is likewise to be observed that six or eight of these Rhenish penitentiaries, as Clèves, Dusseldorf, Cologne, Aix-la-Chapelle, Coblenz, and one at Trèves, are simply *maison d'arrêt et de justice*, where are only found those taken up on suspicion, and the accused, petty offenders, and those arrested for debt.

“It is only in our day that the Separate System has been acknowledged and *considered to be the only correct foundation of all prison discipline*. This separation is principally suitable to those who have not yet been condemned, and to those who are simply arrested on suspicion, in order that they may be induced to tell the truth to the judge. For these, as well as for the guilty, the Separate System has for its object *to preserve the innocent from contamination, and to prevent the bad from becoming worse*. The Separate System was at first begun by placing the sexes in different prisons; eight, or nearly one third of these prisons, are appointed to one sex.

“A house of detention of recent establishment at Sagau, in Cilicia, contains only women; and seven other establishments at Spandau, Sounenburg, Insterburg, Jauer, Goerlitz, Halle, and Werden, in the Rhenish provinces, only receive men.

“The proportion of women to men in our prisons, and that of young offenders, ought, in my opinion, to give a more correct notion of their morality than if drawn from the total number of criminals compared with the population. The report of the proportion of criminals of the two sexes are as 2,221 to 11,062, or as one to five in all the Prussian dominions. According to the official reports, they are as one to four. In the rest of Europe, but particularly in France, and where the proportion has been found less, it has averaged one to five, or a fraction more.

“As regards the new cellular prisons which are in the course of erection, allow me to give you official information on the subject. Gentlemen, we are Germans, and as Germans we are accustomed to domestic life, in our homes, and in our families. Public activity has only begun to manifest itself in our country. Hence, Germany saw itself preceded in prison reform, by Belgium, Geneva, America, England and France. It is only within a few years, that in Germany they have begun to advance in this path so little beaten. There are three States of the German Union which have seriously begun the

work. On one of these States, Bade, communications will be made to you by another speaker. I shall confine myself therefore to a few more words on Prussia and Austria.

“After H. M. the King of Prussia, had given his attention to the establishment at Pentonville, in 1841, when he visited England,—you are aware, that out of the nine days that he passed at Windsor, where he was invited to be present at the baptism of the Prince of Wales, one was wholly devoted to visiting the prisons at Pentonville and Newgate, and particularly the female portion of it, which had then been well regulated by Mrs. Elizabeth Fry.—After this visit of the King of Prussia to England—I say they began to build in Prussia, particularly from the year 1844, many cellular prisons which the King judged would be the best and most secure. These buildings of various dimensions, are for the most part not yet completed. In the old house of correction, at Cologne, they will, as soon as the King shall have given his permission to the regulations, adopt entirely the Pennsylvanian system. They began at Berlin, in 1844, to build a cellular prison for five hundred criminals; the four wings of the building are far advanced, so that one part of it may already be made use of. A similar prison will be built in Eastern Prussia. In Silesia there are three prisons; one of the smallest is already finished as a prison d'enquete, for every description of prisoners, and placed in connection with that of Brieg. At Breslau, they have laid the foundation of a prison d'enquete larger, and which is to contain four hundred prisoners. Finally, at the southern extremity of the province, at Ratisbon, there is building a large cellular prison; another is projected in the province of Pomerania; Westphalia will be similarly provided, and at Munster they are building one for three hundred and sixty prisoners, which may be occupied in eighteen months.

“They are preparing a project for establishing a cellular prison at Aix-la-Chapelle.

“In Austria, likewise, they are making every arrangement

for introducing the cellular system. Four plans of prisons on the Pennsylvanian system are at this moment submitted to the Emperor for approbation; one of these, for 800 convicts, will be built at Wienevisch Neustadt.

“ You perceive, then, that in Germany they have not remained inactive or indifferent to prison reform; but it is natural that in a first trial progress should be slow.”

What progress was made during the succeeding year, we learn from the statement of Dr. Julius at the Brussels Congress :—

“ Before the convocation of the Congress at Frankfort they had ordered the construction of five cellular prisons. Since the month of September last they have commenced at Breslau, the capital of Silesia, a cellular prison for 400 criminals.

“ Of the large and small prisons which were ordered, as had been announced to the Congress of Frankfort, two are finished; that at Brieg, which will serve as a model prison, for those accused and condemned to a short confinement. It will be a normal prison; for that reason Government has ordered that all the plans of it be published by the General Council of the buildings of Berlin.

“ The second is that of Cologne.”



## GERMANY.

SHOCKING STATE OF PRISONS FIFTY YEARS SINCE.—HOWARD'S DESCRIPTION OF PRISONS AT AUGSBURG, MUNICH, NUREMBERG, MANHEIM, AND SCHWALBACH.—TORTURE ROOMS.—SOME GOOD PRISON REGULATIONS.—IMPROVEMENT SLOW.—CELLULAR PRISONS IN GRAND DUCHIES OF BADEN AND NASSAU.

## BADEN.

SPEECH OF M. DE JAGEMANN.—IMPROVED PENAL JURISPRUDENCE.—PRISONS MUST BE ADAPTED TO IT.—CELLULAR PRISON AT BRUCHSAL.—COMMISSIONERS VISIT PRISONS OF GHENT AND PENTONVILLE.—CELLULAR IMPRISONMENT PROPOSED FOR ALL CRIMINALS.

## NASSAU.

DIFFERENT KINDS OF PRISONS DESCRIBED.—HOUSE OF CORRECTION AT EBERBACH.—MARK SYSTEM THERE PURSUED.—SEPARATE CONFINEMENT INTRODUCED IN CONSEQUENCE OF NUMBER RE-COMMITTED, DISCIPLINE, MORTALITY.—PROVISION FOR ORPHANS.—ASSOCIATION FOR PROTECTION OF DISCHARGED CRIMINALS.—ITS PLANS AND RESULTS—MAISON DE FORCE AT DIETZ.—CELLULAR IMPRISONMENT.—REGULATIONS PROPOSED.

## FRANKFORT.

OBJECTIONS OF M. STIEBEL TO SEPARATE IMPRISONMENT.—REPLY OF DR. VARRENTTRAPP.—NATIONAL PECULIARITIES NO OBSTACLE.—ADVANTAGES OF SEPARATE SYSTEM.

## BAVARIA.

MAISON DE FORCE AT MUNICH.—SYSTEM OF M. OBERMAYER.—IMPROVEMENT UPON AUBURN SYSTEM.—ADVOCATES OF SEPARATE SYSTEM.—LE BARON DE CLOSEN —THE CORRECTIVE PRINCIPLE INSISTED UPON.

IF curiosity or some higher motive induced the Tourist at the beginning of the present century to penetrate the prisons of the German States, he might have observed the condition of some to have been little better than those in our own land, whilst in addition to the horrors which the prisons themselves presented, the instruments of torture, almost everywhere retained, must have aggravated the distress which the sight of cruelty would occasion. Few improvements had then been effected either in the treatment of criminals, or in the places of their incarceration since the days when Howard described those prisons as amongst the very worse he had seen. I extract some statements from that most interesting Author:—

“ At Augsburg, the prison is on the side of a hill, at the back of the town-house. It consists of many *cachots* or small rooms, on three different floors. There is one for examination, and two for the engines of torture.”\*

“ At Munich or *Munchen*, there are two prisons for criminals. That in the town-house had in it six men and two women prisoners. In a dark damp dungeon, down seventeen steps, were the instruments of torture.

“ The other, called *La Prison de la Cour*, consisted of about fifteen cells, twelve feet by seven, and a black torture-room.†

\* Foreign Prisons, p. 114.

† “ In this room there is a table covered with black cloth and fringe. Six chairs for the magistrates and secretaries, covered also with black cloth, are elevated two steps above the floor, and painted black. Various engines of torture, some of which are stained with blood, hang round the room. When the criminals suffer, the candles are lighted; for the windows are shut close, to prevent their cries being heard abroad. Two crucifixes are presented to

"In the *house of correction* were about forty men and thirty women; some *weaving* wide cloth, but most of them *spinning*. The keeper ordered his servant to attend me with charcoal and frankincense; a certain sign of negligence and inattention, which the countenances of the prisoners confirmed."\*

"The prison of Nuremberg is one of the worst prisons I ever saw. The dark unhealthy dungeons, and the dismal torture-chamber, do no honour to the magistracy of this city. The gaoler makes use of a low trick to prevent the escape of his prisoners, by terrifying them with the apprehensions of falling under the power of witches."†

At Manheim, Monsieur Babo, counsellor to the regency, very politely gave orders to shew me every room of *La Maison de Force*. Prisoners committed to this house are commonly received in form with what is called the *bien venu* (welcome.) A machine is brought out, in which are fastened their neck, hands, and feet. Then they are stripped; and have, according as the magistrate orders—the *grand venu* of twenty to thirty stripes—the *demi venu* of eighteen to twenty—or the *petit venu* of twelve to fifteen: after this they kiss the threshold and go in. Some are treated with the same compliment at discharge. The like ceremony is observed at many other towns in Germany."‡

Here, however, we must observe, that there were some exceptions to the general mismanagement and

the view of the unhappy objects. But it is too shocking to relate their different modes of cruelty. Even women are not spared.—This room seems much like the torture-room in Spain, described in Limborch's *History of the Inquisition*, translated by Chandler, vol. ii. p. 221, 4to. edit. 'It was a large under-ground room, arched, and the walls covered with black hangings, The candlesticks were fastened to the wall, and the whole room enlightened with candles placed in them. The inquisitor and notary sat at a table, so that the place seemed as the very mansion of death, everything appearing so terrible and awful.'

\* Foreign Prisons, p. 115.      † Id. p. 115.      ‡ Id. p. 121.

cruelty which prevailed in the German prisons. Amongst these the House of Correction at Schwabach was distinguished by Howard, who says of it—

“ This house was clean, and well regulated. The gaoler readily supplied me with a book, containing an account of the regulations, &c. ; in which are some liberal and sensible remarks that appear worth transcribing.

“ It is observed, that ‘ there is great error in expecting that a house of this kind should be able to *maintain itself*; since with the strictest economy, a *considerable annual sum* will be found necessary for its proper support.’

“ The greatest attention to *cleanliness* is inculcated ; bathing rooms are provided for the prisoners ; and the expense of *washing* for them is reckoned an object not to be regarded.

“ The necessity for *sick wards* for both sexes is pointed out.

“ It is remarked to be ‘ a very false notion, that a man who lives upon *bread and water*, can work hard and be kept in health ;’ accordingly, a daily allowance of *hot provisions* is ordered for the criminals.

“ It is mentioned as an essential point, in order to preserve order, and prevent abuses, ‘ that *one of the city magistrates* should every week in rotation visit the house, and closely inspect everything relative to its management.’ ”\*

And notwithstanding the cruel mockery to which criminals were subjected when first committed to *La Maison de Force* at Manheim, they appear afterwards to have been treated with humanity.

“ The *rules and orders*,” says Howard, “ are good. I have a copy of them. The two last are to this effect. 11th : As it is of the utmost importance in such houses as this, to observe all possible cleanliness ; it is required of all persons to watch most strictly against all appearance of the contrary. Whoever sees the least offence of that kind, shall give imme-

\* Foreign Prisons, p 116.

diate notice of it to the *inspector*, upon pain of close confinement on bread and water, and the the most rigorous chastisement. 12th : That no one may be able to plead ignorance of the rules, one copy of them shall be *given* to every prisoner, and another *hung up* in his room ; and they shall be *read publicly* every Sunday morning after divine service. It is ordered that the disobedient be punished ; and that encouragement be given to the dutiful and diligent.”\*

Although the atrocities which have been referred to are no longer perpetrated in any of the German States, and the more glaring evils of prison misrule have been everywhere corrected, yet, excepting in two or three States, penal discipline is still very defective, and the progress of improvement slow. In the Grand Duchies of Baden and of Nassau the cellular system has been adopted, and an enquiry has been instituted in the Grand Duchy of Hesse and in the Electorate, which will doubtless lead to the same result. The following extracts will describe what penal reformation has been accomplished, and shew to some extent how much more may be expected :—

#### BADEN.

The following is from the speech of M. DE JAGEMANN, *Conseiller du Ministère de la Justice, à Carlsruhe* :—

“ I have the honour, and at the same time experience the satisfaction, of being able to give you a favourable report of the progress made in prison

\* Foreign Prisons, p. 121.



discipline in another state of the German Union ; nevertheless this satisfaction is mingled with some regret, when I reflect that we must pass from Prussia immediately to the state of Baden, that we may continue the line of progress of penitentiary reform in Germany, whilst there are many kingdoms and intermediate states of much greater importance than the one I have the honour of representing, that have effected nothing, or very little, in carrying out a system that we have resolutely entered upon. This does not however prevent me from entertaining the hope that the whole German Union will in the end acknowledge its advantages and adopt the Separate System, as the only one which embraces at the same time the interests both of the prisoners and of Governments.\*

“The Grand Duchy of Baden has up to this time been regulated upon the plan of repressing misdemeanours and crimes, by a provisional penal or normal edict since 1803. This law, which has been ever since in operation in Baden, must continue so until they have brought into execution the new criminal laws announced by the Grand-Ducal Government the 6th of March, 1845 ; the operation of which has only been delayed from the necessity

\* At the meeting of the congress, the following year, Dr. Julius said—“ I have yet to mention two States of Germany which have just entered the list for sending delegates to visit the prisons. These are the Grand Duchy of Hesse, and the Electorate of Hesse.”

of voting the necessary supplies, as a preliminary measure. Government has, as well as the states of the Grand Duchy, given definitively their decision on this subject; supplies have been granted to give life to this great work. The old law is therefore already a *caput mortuum* for those who have thought by their labours to ameliorate it. There is every reason to hope that in a year or 18 months every measure will have been adopted to enable us to enter upon an era of better penal jurisprudence.

“In presenting to the deliberation of the states a proposed penal code, founded on a new basis, the Grand Ducal Government has seen the necessity of reforming the *maisons de detention* at the same time. A law for this purpose has been equally approved of by the states and the Grand Duke.

“As this law ought particularly to interest the honourable assembly, permit me to dwell on it for a moment.

“In my opinion, the question of prisons ought not to be separate from the principles on which they are founded, that is, the principle of punishment itself. A prison conducted on philanthropic principles only, is, according to my views, a prison very defective. In order to constitute a well-disciplined prison, every part of it should be adapted to the purpose and end of punishment; and if these are not combined you will, with the best intentions, only have the *appearance* of carrying into effect the ends of Justice.

“The law of the prisons of Baden has been constructed with a particular reference to gaols for men ; consequently it has been entitled, ‘A law for executing Sentences in the New Prison for Men, at Bruchsal.’ The first section of this law enacts that ‘The sentence of imprisonment passed upon males shall in future be carried out in such manner that each criminal be confined in a separate cell, and be kept there night and day without any communication with other offenders.’\* ”

“It merely remains now for me to shew you that the Separate System has been adopted as the basis of the new prison which is now erecting at the entrance to the city of Bruchsal.

“This prison will contain 416 cells. Its works, begun eight or nine years ago, with the assent of the states of the Grand Duchy, advance slowly, from the natural motive of not wishing to do anything precipitately.† The experience acquired in prison

\* The President, M. Mittermaier, afterwards observed that “The 75th section of the Badoise law directs as follows :— ‘Complete separation shall not exceed the space of six years ; if the condemned have to suffer a longer confinement, their complete isolation shall be limited to six years, unless they particularly ask for the continuation. Neither shall complete separation take place, without a similar request, with regard to prisoners who shall have attained the age of seventy years.’ ”

† Concerning this prison, Dr. Julius reported the following year :—“The great cellular prison of Bruchsal is likewise finished. It is a prison for 400 criminals. It will be habitable after next year.” M. Diez, of Bruchsal, with reference to this

arrangements in Europe is not very considerable ; and we have sought in perfecting the mode of construction to approximate it, as nearly as the plan of the foundations would permit, to the latest discoveries and requirements. It is for this reason that the Government has commissioned M. Hubsch, the director of the works and author of the original plan, as well as myself, in my capacity of an administrator of justice, to whom is confided the chief superintendence of prisons in Baden, to visit the principal prisons abroad, where reform had begun. In order to effect this, we wished to inspect the principal prisons of Belgium, particularly that of Ghent. Then we endeavoured to make ourselves thoroughly acquainted with the model establishment

prison, said—"I am director of two penitentiary establishments, regulated, one according to the old system, or according to the ancient absence of system, and the other arranged after the Auburn system. It is six years since I undertook this office, with a declared preference for this latter system ; but I had not passed long in the prison before I was convinced that we could not, either with the old system, that is, with the ancient absence of system, nor with the Auburn system, attain the end proposed in the direction of a penitentiary establishment. Hence arose the conviction, that we could only hope to arrive at this end by the isolation of prisoners. I have heard, yesterday and to-day, with as much attention as pleasure, all that has been said thereupon by men of experience. The numerous facts, and the irrefragable proofs which they have brought forward, have only confirmed me in the idea which I had preconceived of the superiority of the system of separate confinement above all other systems of imprisonment."

at Pentonville, near London, by visiting it night and day. In France we visited the House of Correction for Juvenile Offenders of La Roquette at Paris, as well as the House of Detention of La Force, and the House of Detention for Females. In consequence of the report which we have made respecting the particular objects of our investigations, the Government has seen the necessity of demanding further supplies from the states for the works to be constructed at the new prison.

“ Having set out with declaring that I consider a complete reform of the prison system, and of the penal code, in Germany, to be necessary and inevitable, you will, doubtless, reply that the Baden Government does not altogether satisfy my requirements, because the law, which I have just analysed, has provided only for the confinement of men in the *maison de force*, without noticing other degrees of imprisonment, or other prisons. But I shall conclude my observations by saying that, according to section 56 of the new penal code, the lowest degree of punishment entailing the loss of liberty is based upon the principle of separation, and that for intermediate degrees, such as the prison *d'arrondissement*, *et maison de travail* it has been ordered, as for the *maison de force*, that prisoners shall be isolated in the prison *d'arrondissement* from two to four weeks, and in the *maison de travail* from four to eight weeks, at the commencement of their detention. With regard to the prison *communale*, the principle



is not less settled than for the *maison de force*; and for intermediate establishments it is admitted at least for the first period of imprisonment. There is an inconsistency in this, we confess, but it is very pardonable. It is not prudent, perhaps, to apply immediately, and without exception, to every criminal the great measure we are considering, without having made a trial of it.

“It will not at first be applied to either male or female prisoners in the *maison de travail*, nor in *la prison d'arrondissement*. I have, nevertheless, great hope, and I will make every effort, to induce them to apply the same Prison Discipline to females, and in the other *établissements de détention*, when they have made sufficient trial in the new *maison de force*.”

#### NASSAU.

M. LINDPAINTNER, *Directeur des prisons du Duché de Nassau*, thus describes the progress of Prison Discipline, and the general feeling with respect to the cellular system in that Duchy—

“The Report which I have the honour of presenting to you, relates to the prisons of the Grand Duchy of Nassau. Formerly the prison system in Nassau was in the same condition as everywhere else in Germany. Some pains, however, have been bestowed upon it since the year 1813. A variety of orders were issued for constructing new establishments, or for regulating those which were already in action. The establishments which have grown up since that period, com-

prise—1. *Les Maisons d'arrêt*; 2. *Les Maisons de justice*; 3. *La Maison de correction* at Eberbach; 4. *La Maison de Force* at Dietz sur Lahn; 5. The prison in a fortress at Marxburg. Independently of these prisons, we may also mention *les salles d'arrêts* in the barracks, as well as those in the colleges. We must not reckon here the local prisons of the different communes, intended simply for the immediate reception of disorderly persons; or for securing persons who might try to make their escape, until their removal to *Les Maisons d'arrêt*, because there is provision in these for only a slight penal discipline. The removal in such cases, cannot be delayed beyond a single night.

“*Les Maisons de Justice* are assigned to the accused during their trial. They are under the inspection of the criminal tribunal, and under the controul of the court which has issued the warrant. There are two of them: one is situated in the city of Dillenburg: and the other, which is under the criminal tribunal of Wiesbaden, is at Usingen. In both prisons there are regulations in favour of those who are willing to labour; but no one is compelled to do so.

“The house of correction, situated at Eberbach, in the Canton of the Rhine, (Rheingau) was founded by an act of the year 1811; it was modified in the year 1813, and finally in 1817, it was provided with a very complete code of disciplinary regulations.

“The house of correction receives prisoners condemned by the military tribunals, and by the *correctionel* tribunals, to any term of imprisonment from three months to five years. It receives moreover for an indefinite period, but not beyond five years, after having undergone their sentence, such individuals as having already incurred punishments, have continued to appear dangerous through debauchery, drunkenness, fornication, mendicity, &c.

“The object of the establishment is to give its recipients the habit of regular labour, and to improve them. Monthly

meetings (of which the Director is chairman) are held in it, at which inquiry is made into the interests of the establishment, and the conduct of the prisoners, and at which a public eulogium is passed upon those convicts who have conducted themselves particularly well, &c. These monthly meetings were introduced as many as twenty years ago, and have been recognized as an excellent means of stimulating application. The same may be said of the established practice of opening a running account in favour of each prisoner, in which a balance is struck between the fruits of his good conduct, and the cost of his maintenance. In the latter are also comprised all the expenses of sickness, which has the effect of preventing feigned indisposition.

“The number of prisoners in the establishment has risen to 240, of whom one-fifth are females. Five years ago the number decreased to 180 : for the last two years the number has alternated between 190 and 210. The proportionate number of females has not varied much.

“The frequency of relapses rendered it necessary in the year 1827 to create a second class of convicts, who, after conviction, are subjected to separate confinement during the whole term of their sentence. For this purpose fourteen cells were constructed in the division for males, and ten in that for females ; which cells are contained in a space from 900 to 1000 cubic feet. They are heated by stoves.

“Delinquents in cells are permitted to take sufficient exercise : they are employed to do all kinds of work ; but they receive less pay than criminals of the first class ; nor can they employ any portion of the surplus of their gains in the purchase of personal indulgences.

“From 1827 to the end of 1841 there had been 4,809 individuals in ordinary confinement, and 555 in the cells. Of the former number there died 104, and of the latter 29. The greater relative mortality in the separate cells ought however, to be attributed in part to the weaker state of health

in which the relapsed criminals, belonging for the most part to the class of tramps, mendicants, debauchees, &c., were when they were sent there to undergo separate confinement. Of the 555 condemned to the cells, 416 were confined in them for the first time, 105 for the second, 29 for the third, 4 for the fourth, 1 for the fifth time. Separate confinement, then, had been repeated upon 139 individuals.

“ Since the year 1816 there has been no particular establishment in the Duchy for orphans. The orphans are placed in families in the country, and are there almost all well educated, under the most watchful care. Only a small number of boys have exhibited such an unmanageable spirit as to require the adoption of more rigorous measures. For these, particular arrangements have been made (since 1828) for placing them in the House of Correction. The number of boys thus detained, according to these new arrangements, has not exceeded five. For the last two years there has been only one in the House of Correction. At this moment there are none at all.

“ In order to supply the wants of this institution in a very essential point, an association, certainly the first of the kind in Germany, was formed for the protection of discharged prisoners, and for placing them out. Those who came out of the *Maison de Force* were not excluded from its favours and provisions. The association has in like manner proposed to watch over and assist individuals leaving the asylum for the insane as cured. This society has met with much sympathy throughout the country. Large sums of money have been sent to it; nor are there wanting friends of humanity who willingly accept the duties of watching over the operations of the society in finding situations for individuals. The results in the reports given to the public are always favourable.

“ Of the 446 “protégés” liberated from the house of correction up to the end of the year 1844, forty-one have been placed out as workmen, 101 as apprentices, 130 as domestics,



and 174 have been assisted at their homes, by furnishing them with clothing, tools, &c. Seventy-six artisans, and sixty-seven domestics have, by their conduct, completely justified the pains bestowed upon them.

For the 446 individuals discharged	fl.	kr.
from the house of correction, there		
have been expended ... ..	15,528	46
For the 81 discharged from the asylum		
for the insane ... ..	1,348	53
For two convicts liberated from		
the <i>Maison de Force</i> ... ..	10	5

“All persons discharged from the house of correction without distinction, remain three years under the surveillance of the local authorities, who are bound to answer for their conduct. In the year 1845, we had Reports of 468 individuals. Of this number 275 had conducted themselves very well; nine had relapsed, and sixty-five were absent. There has, as yet, been no occasion to blame the conduct of the remainder.

“An *ordonnance* of the year 1811, and the regulations established in 1821 gave quite a new organization to the *Maison de Force* of Dietz. Its organization differs from that of the House of Correction in respect of the loss of civil rights to the convicts—in the parti-coloured dress—the chain attached to a ball—the obligation of keeping silence—and particularly in the corporal punishments, if required, &c. The duration of the sentences in the *Maison de Force* varies from two years to imprisonment for life. These sentences are passed by the courts of justice, and by the military tribunals. Two sculptors are engaged in the marble workshops, and employ the majority of the convicts. The inmates consist of from 160 to 170 convicts, of whom from twenty to twenty-five are females.

“*Les arrêts* are kept at the fortress of Marxburg, where a company of invalids is garrisoned. It is seldom that any persons are confined there.



“Thus the prison system has been for many years the object of particular attention. Various experiments have been made, even relative to separate confinement. It is impossible not to perceive that, properly applied, it would have a salutary effect.

“At this era of change in the prison system, you may rest assured that the Duchy will readily receive the cellular system. This mode of confinement ought to have the effect of preventing that corruption which may arise from the contact of evil associates in the common wards: it ought to reform those who are subjected to it, and to inspire them with a salutary fear. Still we must not suffer a prisoner to run the risk of finding, at the time of his liberation, his moral faculties weakened, and his bodily strength unfitted to resume hard labour.

‘This mode of confinement is especially advantageous to those who are imprisoned for the first time, but not to those who have relapsed. Separate confinement therefore does not appear justifiable, except for a short space of time; and it may then be spent in rigorous solitude, which makes a deeper impression on the mind, reforms and turns it away from vice better than when confinement in cells is broken into by too frequent visits. However, it is very doubtful whether it would be possible to find a sufficient number of honourable men who would be willing to go to all the prisons situated in remote districts, or even in the vicinity of small towns, to visit the prisoners, and to mitigate the depression which is produced by a long course of separate confinement. We are even obliged to ask ourselves whether we could also find a sufficient number of subordinate officers, who would not be a cause of anxiety in their frequent and unperceived intercourse with the prisoners.

“I have said that the being sentenced to the second class of punishments in the House of Correction, to which is attached confinement in a separate cell, is an additional penalty

induced solely to meet the case of those who have relapsed. It would be possible now to prepare a change in the law upon this point. Separate confinement is essentially intended to reform; we might therefore apply it to every class of prisoners in the House of Correction, making every allowance with respect to what has been said above.

“The following regulations appear to us the most conformable to the penal code, and the usages and customs of our tribunals :—

“1. Sentences to different degrees of punishment in the House of Correction to extend from a minimum of imprisonment for two months to a maximum for four years.

“2. Every sentence of imprisonment not exceeding six months, to be undergone in a separate cell.

“3. For every sentence exceeding this term, a third part of the time, at intervals determined in the record, to be undergone in the cells. Nevertheless, no separate confinement to last without interruption for more than a year.

“4. Two months of separate confinement to be equal to three months of ordinary imprisonment.

“5. The superior officers, ecclesiastics, teachers, master-workmen, and attendants, to be in constant communication with the prisoners confined in cells. The intercourse of these prisoners with the subordinate officers to be under control; and interviews with relations, or a third person, to be but rarely permitted.

“6. Each cell to have from 800 to 1,000 cubic feet of respirable air, and to be conveniently arranged after the best model. For the sick, cells to be made large enough to receive, when necessary, an attendant nurse.

“7. Every prisoner confined in a cell to enjoy every day one hour's walk in the open air. A shed to be erected along one of the sides of the space for exercise, to serve as a shelter in bad weather.

“Of course we should keep up those regulations of the old

system, which were intended to awaken self-love, to excite emulation, to create an interest in the proceeds of labour, &c. The society for encouraging released prisoners would have to extend its operations in order to further this object.

“These observations will make you acquainted with the present state of the prisons in the Duchy of Nassau. As to the wishes of the Government with respect to the future, these are very near being carried into effect; and a Government which has already done so much good, and which is even now preparing more than one amelioration, will not ultimately shrink from effecting reforms which appear to it to be more desirable still.”

At the Congrès Pénitentiaire, at Frankfort, some objections against the Separate System were alleged by M. Stiebel, a member of the Senate of that city; he observed—

“We have in Germany a better education, which is more extended through all classes of the population, and which may prevent degeneracy. We are deprived at the same time of those guarantees, without which separate confinement becomes a frightful thing.\*

These objections called forth the following reply from Dr. Varrentrapp, the physician of the prisons at Frankfort :—

“I live in the same town, I practice in the same profession, I share the same political opinions, as M. Stiebel, and yet, whilst adopting entirely the general considerations which make the leading point of his discourse, I arrive at completely opposite conclusions, relative to the subject which occupies us at this time. Yes! our Germany has the happiness of possessing a better and more generally extended education than that of any other country. Yes, our system of education, from

\* Liberty of the press, trial by jury, &c.

the primary schools to the universities, is better organised than amongst other nations. But it does not follow from thence, that our methods of teaching can only suit Germany, nor those existing in England and France cannot extend beyond these two countries. Far from that; what a civilised people acknowledge as the best system of instruction, ought to be, from that alone, and is indeed the most suitable for all other civilised people. The university regulations of Austria and France are drawn upon the same model. Can we say that they are exclusively suited to the national character of the French and Austrians, and that we cannot make use of them, because we are Germans, and because our nationalities are different.

“It is the same with penitentiary education as with university education. The method acknowledged to be the best in one country, must be the best in another. The mode of detention, which unites the most completely all the qualities of a perfect penal treatment amongst a people—which corrects the criminal at the same time that it makes him atone for his crime, which prevents the mutual corruption of prisoners, and moralises them by individual separation, which awakens in them, with contrition, the love of labour, and the good feelings which may still exist in the depth of their hearts,—this mode of imprisonment, I say, acknowledged the best here, must be the best everywhere. I do not admit as an obstacle the national differences which are spoken of. Neither do I admit that the number and quality of criminals in France and Germany differ as much as is said. Let men only compare with some attention the criminal statistics of England, France, and Belgium, with those of Germany, and they will be convinced that the cause of the present difference which exists in the criminality of these nations does not consist in the difference of nationalities but in some outward or accidental circumstances; that is to say, that crimes differ in number and nature, according as a country presents a mass of densely

crowded population as London and Paris (Berlin already is not much less), or a manufacturing or agricultural population. As to the trial by jury and liberty of the press, it is to be much regretted that Germany does not possess them. But should we have these two guarantees with the present system of common prisons, we could do nothing beneficial for the moral reform of the prisoners, whilst, even without them, we may obtain this reform from the system of separate imprisonment—a system, which, organised as we understand it, offers only advantages without inconsistencies, without inhumanity, and without the possibility of oppression."

Dr. Varrentrapp was supported in his advocacy of the Separate System by the longer experience of his father, who said—

"The system of prison association is as fatal to the condemned as to the unconvicted; it is even more so to the former, because of the longer duration of their stay in prison; and again, because the state which has already corrupted them when unconvicted, in the association of the *maison d'arrêt*, afterwards loses its time in endeavours to moralise them in the houses of correction when condemned. The evil being the same for the unconvicted and the condemned, the remedy ought likewise to be the same for these two classes of prisoners. This remedy is *separate imprisonment by day and night*. Shewn good in theory, it cannot be found bad in practice."

#### BAVARIA.

The condition and discipline of the *maison de force* at Munich presents now a happy contrast to the state of prisons in that city, as described by Howard. Separate confinement has not yet been adopted in Bavaria. The cause is remarkable. A reference has been already made (Vol. I. 250) to



the surprising influence over the will and affections of his prisoners possessed by the Director of the prison at Munich. This extraordinary man is now, in his capacity of *Counseiller Ministériel*, the Inspector of all the prisons in Bavaria. The system pursued in them is his own—" *Ce système, n'est autre que M. Obermayer lui-meme*," said the President of the Congress—and so judiciously does he exert his power that the most happy effects are produced. His own peculiar influence, of which, however, he appears to be unconscious, prevents in a great measure the necessity for the isolation of prisoners. The penal reform which he has effected, and of which he has himself published an account, consists chiefly in "the rejection of severities super-added to the punishment which had been decreed; in the abandonment of all public working; not compelling prisoners to wear any strictly penal costume; and the abolition of corporal punishments." Although in his penitentiary Obermayer disapproves of the Separate System, he does not permit unrestrained intercourse, yet is too wise to endeavour to prevent it by attempting, as under the silent system, to check communication whilst prisoners are associated. They are allowed to converse at certain times, but it must be in a loud tone. By this regulation intercourse of a demoralizing and dangerous character is said to be prevented.

But notwithstanding the acknowledged talent and humane influence of M. Obermayer, a feeling is

gaining ground in Bavaria that the corrective discipline of its prisons should rest upon a more permanent basis than the superior character of their Director. It is foreseen that the Separate System can be the only substitute for that which this distinguished man has introduced. With this conviction we find the Baron de Closen, after speaking in the highest terms of his fellow-countryman, and commending the great improvements he had effected, avowed in a speech\* full of Christian philanthropy, and worthy of an enlightened statesman—"For my own part, I do unreservedly declare myself an advocate of the Philadelphia (i. e. Separate) System, as being better adapted than any other to correct the prisoner. \* \* \* To my view a penal institution is defective in its very foundation when it lays down as the principal object, not the correction of the heart of the criminal, but corporal punishment. In every system of imprisonment this fundamental principle—the amendment of the convict—should be first recognized. This principle is not only of advantage to the criminal, it is also advantageous to society, for the safety of the community cannot be better ensured than by the moral reformation of its liberated convicts. The greater part of the crimes which are perpetrated in the world arise from the evils of a defective education. The prison is then appealed to, to rectify or to complete the imperfect work of the school."

\* At the Congrès Pénitentiaire at Frankfort.

## ITALY.

PRISON BUILT BY ANCUS MARTIUS A.U.C. 120. —“ AD TERROREM EDIFICATUR.” —THE SAME PRINCIPLE TOO LONG TRUSTED TO. —A BETTER MAXIM ADOPTED. —THE PRISONS OF S. MICHELLE, THE GREAT PRISON, PRISON OF SAN ANGELO. —SHOCKING STATE OF THE TWO LAST. —DISTRACTED PRISONERS. —PRISONS AT NAPLES AND MILAN. —THEIR MISERABLE CONDITION. —PRESENT STATE OF PRISON DISCIPLINE.

## LOMBARDY AND TUSCANY.

INCREASE OF CRIME. —CELLULAR SYSTEM DESIRED AS A REMEDY. —SOCIETY FOR LIBERATED CRIMINALS. —BAD STATE OF PRISONS AT MANTUA, MILAN, AND CASSANO. —SUBJECT DISCUSSED IN CONGRESS OF FLORENCE.

## SARDINIA.

THE KING IN FAVOUR OF CELLULAR IMPRISONMENT. —QUESTION LITTLE UNDERSTOOD BY HIS SUBJECTS. —AUBURN SYSTEM PREFERRED. —LA GENERALA, AT TURIN. —OBSTACLES TO PENITENTIARY REFORM THROUGHOUT ITALY. —POWER OF THE POLICE. —SICILY. —SPLENDID PRISONS. —THEIR MISMANAGEMENT. —NAPLES. —SOME IMPROVEMENT. —SEPARATE CONFINEMENT APPROVED OF BY THE POPE. —SPEECH OF LE CHEVALIER PERUZZI. —PROGRESS OF REFORM. —NEW PENAL CODES. —BAGNES ABOLISHED. —CELLULAR IMPRISONMENT SUBSTITUTED. —ADVOCATES OF SEPARATE SYSTEM INCREASED. —WRITERS ON PENAL LEGISLATION.

It is nearly 2,500 years since the first prison in Rome of which we have any account was built by

Ancus Martius. Of this edifice in its original condition we have only a short notice in Livy; but we learn from another writer that subsequently an excavation was made beneath the prison and a dungeon formed by Servius Tullius, whence it received the name of Tullianum.\* This is described by Sallust as sunk about twelve feet under the earth, with strong walls, arched with stone, but dark, foul, and frightful.† The original purpose of Ancus in erecting this prison, we learn from the Historian, was to deter from crime by the terror of punishment—“*carcer ad terrorem ædificatur.*”‡—And although experience has constantly shewn the impolicy of trusting to this principle of fear as a

\* “In hoc, pars quæ sub terra Tullianum, ideo quod additum a Tullio rege.”—*Varro*.

† Sallust describes this when referring to the punishment of Lentulus, in the following terms:—“Lentulum in carcerem deducit. Est locus in carcere, quod Tullianum adpellatur, ubi paullulum escenderis ad lævam; circiter duodecim pedes humi depressus. Eum muniunt undique parietes, atque insuper camera, lapideis fornicibus vineta: sed incultu, tenebris odore foeda atque terribilis ejus facies est”—*Catil. lv.*

Attached to the Church of San Pietro in carcere, built to commemorate St. Peter's imprisonment, supposed to have been on this spot, there is a subterranean chapel, which is said to have been the dungeon above described.

‡ Crimes became frequent in Rome upon the increase of its population, by the conquest of the Latins, A.U.C. 120, many thousands of whom, Livy tells us, were admitted into the number of citizens. The following is the passage in which he refers to the prison I have spoken of:—“Ingenti incremento rebus anctis, quum in tanta multitudine hominum,

preventive to offences, and has ever proved the inefficacy of mere punishment to correct the guilty ; yet how long have these mistakes been maintained and acted upon,—how much, indeed, are they still cherished, to the disappointment of their advocates and the injury of all !

Rome in more recent days has abjured this error, and chosen a more safe maxim for the treatment of her criminals. She proclaims that axiom in penal legislation which has been prefixed to these pages, and the practical influence of which it is their design to perpetuate and to promote. The words can never be too often repeated, or the truth too deeply impressed—"PARUM EST COERCERE IMPROBUS PENA, NISI PROBOS EFFICIAS DISCIPLINA."—This admirable sentence, in which, as observed by Howard, "the grand purpose of all civil policy relative to criminals is expressed," may yet be seen inscribed in the principal room of the prison of S. Michele. On the outside, over the entrance, is another inscription, telling us that this prison was built for the purpose of *carrying into effect* the principle which is recognized.

CLEMENS XI. PONT. MAX.

PERDITIS ADOLESCENTIBUS CORRIGENDIS

INSTITUENDISQUE

UT QUI INERTES OBERANT

INSTRUCTI REIPUBLICÆ SERVIAINT

AN. SAL. MDCCIV. PONT. IV.

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discrimine recte an perperam facti confuso, facinora clandestina fierent, carcer ad terrorem inerescentis audaciæ media urbe, imminens foro ædificatur."—*Livy, lib. i. 33.*



Howard appears to have been alike pleased when visiting two prisons at Milan—*L'Argastro*, and *La Casa di Correzione*—which, he says, “do honour to the country.”

But the description given by our philanthropist of other prisons in Rome and other cities of Italy, forbids the belief that the sound principle which, as we have seen, was acknowledged, was generally applied. The great prison at Rome, we are told, was dedicated to Justice and Clemency, but if the inscription upon its front raised the expectations of Howard, the arrangements within would sadly disappoint them.

“On the ground floor,” he says, “on *one* side are the slaves for the galleys at Civita-vecchia: on the *other* side is a sort of cook’s shop, and a tap-room, over which are the *women’s* apartments, five of whom were in the *secrete* chambers, and twenty more at large. There are eighteen of these strong rooms for the *men*, which are close and offensive, each of them having but one window for admitting light and air. These rooms are never opened without an order from the *governor* of the city. There were sixty-eight prisoners. They are not permitted to go out of their rooms at any time, but for examination.—Some having been confined there many years, appeared with pale sickly countenances; but none were in irons.

“Here is a chamber for distracted prisoners, in which were seven miserable objects.

“There are several chambers with beds for those who are called *prisoners at large*, for which each pays one *paule* and a half (about eight pence) a night. There is a chamber for *priests*, one for *boys*, one for *Jews*, and one for prisoners who

have *cutaneous* disorders \* \* \* I wish I could say I had seen no torture chamber."\*

Of the prison of San Angelo it is said—

"The state prisoners are confined in the castle of *San Angelo*. The rooms appropriated to that purpose were all empty, except one, in which was a *bishop*, who had been confined upwards of twenty years, and was distracted. Here were also eighteen *condannati*, who work in the fortress, and had each a light chain. They seemed healthy and well.

"On the death of the *Pope*, the prisoners are brought hither from the great prison, for upon such occasions the prisons are thoroughly cleaned. †

Miserably defective, too, was the prison of Naples, of which we have the following account:—

"The principal prison in the great and populous city of NAPLES is *La Vicaria*, under the courts of justice. It contained when I was there, according to the gaoler's account, nine hundred and eighty prisoners. In about eight large rooms communicating with one another, there were five hundred and forty sickly objects, who had access to a court surrounded by buildings so high as to prevent the circulation of air. In this court was a recess, under arcades like those under the chapel at Newgate. Some of the prisoners were employed in knitting, and others in making shoes; but most of them were entirely without employment. In six chambers, which opened into a spacious hall, were many beds for such as could pay for them. Adjoining was a chapel, and a spacious infirmary for the whole prison; in which were *forty* persons, in single beds, with sheets, coverlets, &c. In seven close offensive rooms were thirty-one prisoners, almost without clothes, on account of the great heat: and in six dirty rooms communicating with one another, were fifty *women*. Of all the prisoners, one *man* only was in irons, in a dungeon,

\* Foreign Prisons, p 92.

† Id. 93.

near a small chapel which is allotted to the condemned before execution."\*

We have also this description of another prison at Milan, in which the severity of punishment and the neglect of discipline might lead to the conclusion that the very reverse of the sentiment we admire formed the principle upon which it was conducted.

"In the great prison at Milan," he writes, "are twenty secret chambers. The general size of these rooms is eleven feet by twelve to fifteen. In some were only one or two persons, but in others six or eight: the windows are towards a high wall eleven feet distant. These are some of the strongest and most retired rooms in the Italian prisons, in which the most atrocious offenders, and those who are imprisoned for life, are confined. They are inaccessible but by a special order. The entrance is guarded by two doors, between which is a narrow space, just sufficient to admit two persons. Into this you are locked before the turnkey opens the inner door, for fear these desperate criminals should murder the keeper for the keys; and attempt to rush out."†

At the prison of Chamberry he also tells us that "a dismal torture chamber, into which day-light never enters," constitutes it one of the habitations of cruelty.

The details furnished by the representatives of the Italian States, at the Congrès Pénitentiaire, will shew the present condition of prison discipline and the prospect of improvement. Speaking first of Lombardy, M. Lurasco said—

"The administration, jealous of the secrecy that she carefully maintains on the subject of criminality, on the condition

\* Foreign Prisons, p. 98.

† Id. p. 103.

of prisons, and the preparations for trials, has by that prevented the formation of a just public opinion on these subjects. Notwithstanding this, public attention has been awakened by the single fact of the most important interests of the inhabitants being injured, and their safety destroyed, by the continually increasing number of crimes, particularly of theft, robberies, and by the great increase of dangerous characters. This attention, ill-directed, endeavoured to remedy these evils, by new and more severe punishments, and by some remote establishment for severe banishment. This is principally the occasion of the debates in the Italian Congresses upon the question of the healthfulness of the penitentiary reform, which opinion begins to improve, and we might say, that it is now common to desire a reform of prisons, and especially the system of separation of the prisoners, as a remedy for the increase of crime. This opinion was afterwards strengthened by the institution for the protection of liberated prisoners, founded in 1845, by a very great number of persons, and welcomed with general sympathy. This institution being obliged to render an account of its operations to the public, must necessarily expose the bad effects of the systems followed hitherto, and the influence they exercise to the injury of the liberated. The account given in 1846 furnishes proofs of this assertion. Nevertheless, although the country interests itself in these efforts, the hope of a true and sufficiently extended reform, does not depend on the country. The desired reform can only depend on the plans adopted at Vienna.

“The prison of Mantua, the construction of which combines the defects of too limited an extent and unwholesome air, has been for twenty years the subject of a plan of amelioration; perhaps it may prove an opportunity for the introduction of something new. Let us next consider the prisons for young criminals, who are either convicted, or confined by means of the police. There are two, one at Milan, the other at Cassano; they are provisional and unprovided with disci-



pline or good regulations, which might be beneficial to these young persons, the situations are so unhealthful that they might be called murderous; instruction extremely rare, no labour, no trade; the society most brutal, in such a manner that they might reckon those condemned to 15 or 20 years of punishment, more fortunate than these unhappy young persons, who have not yet attained the age of twenty years, and whose health, calling in life, and in a word all, are sacrificed. In the prison of Cassano, there usually perishes one-fiftieth, and if in that of Milan, the young criminals are not placed in quite so grievous a condition, the demoralization is hardly less.

“As to Tuscany, here is the account written by the Marquis Carlo Torrigiani—‘It is impossible to furnish an exact statement of the condition of prisons in the Grand Duchy, for it cannot be known, seeing that the necessary publicity is withheld, and because the chief part of the partial reforms already introduced, are not connected with any fundamental system, or perhaps that the reforms which have been effected remain unknown.’”

M. Mittermaier, the President of the Congress, gave further information as follows :—

“Will you permit me, in the absence of those distinguished persons, who could have performed this task much better than myself, to complete the account with which M. Lurasco has furnished us, by briefly describing to you the actual state of prisons and of penitentiary reform in Italy. I have seen all the prisons of Italy, and even those of Sicily. Do not suppose that the desire of improvement is not manifested in this country as in all others. In all the Italian States we find writers who have openly and enthusiastically pronounced in favour of modifications to be introduced into the system of prisons. I have myself, in 1840, with two of my friends, Italians, led the Congress of Florence to the discussion of this subject, and they have fully considered it. Later it has been discussed at Padua and Lucca, and has even been the



subject of a resolution. One single state of Italy has made a marked progress in the way of penitentiary reform—I refer to Sardinia. The King himself, taking a lively interest in improvements, and particularly in the improvement of prisons, has resolved to introduce the penitentiary system into his dominions. The penitentiary system is not indeed understood in Italy, as in Germany, France, and England. There are few Italians who are of opinion that the constantly Separate or Pensylvanian System could be introduced amongst them. The principal advocates of separate confinement in Italy, are the Count Porro, at Milan, and the Marquis of Torrigiani, at Florence, the last of whom has published, at a great expense, an admirable work, with the view of extending this system and facilitating its adoption. All the other Italians, as far as I am acquainted, for I have been at two Italian Congresses, declare in favour of the Auburn system—that is say, for separation at night only, with association in silence, and working together in small companies during the day. These are the views which prevail in Sardinia. There will be shortly opened at Alexandria, a house of correction, which has been built and arranged according to this system. But there is also a certain number of isolated cells, so disposed that each criminal may pass some time in them before being again placed amongst his fellow prisoners. Time will show if this system can accomplish what it promises. But the establishment which particularly merits our attention, is that which has been founded under the name of *Generalà*, at Turin. I have seen this establishment, which is directed by an ecclesiastic brought from Marseilles. They only receive young persons. It is an admirable building, with large rooms, where the prisoners work; there is also a large extent of ground, which they cultivate. They have besides provided for the working at useful trades. A society of patronage, recently formed at Turin, provides situations for these young persons when they leave the prison.

“The principal reason why imprisonment does not, and never can gain ground in Italy, is, that the people and the Government are not agreed. The people move forward, the Government backward ; this is not the way to improve. There is another cause which particularly retards the progress of penitentiary reform, it is the punishment of the galleys which still subsists in many of the States, particularly in Sardinia, Naples, Rome, Lucca, and Tuscany, a punishment, the effect of which is to stifle all that remains of virtue. Beyond all doubt, penitentiary reform will be impossible in Italy as long as slavery on the galleys remains.

“Another obstacle to the Separate System consists in the mistaken ideas they have of it with regard to Divine Service. They believe that with this system public worship is impossible. It was the only reason which made the last Pope personally opposed to the system of absolute isolation ; he expressed himself positively in this manner to me. Another serious hindrance arises from the clergy, a number of whom, although honourable and excellent men, do not sufficiently understand their position, and generally believe that divine worship consists chiefly in exterior forms. The Italian clergy seldom think of addressing themselves to the hearts of the prisoners. With such a belief good cannot be done in the prisons to the extent it might be. The police is another obstacle that the penitentiary reform meets with in this country ; the police, who interfere in too many things, interfere also too much in the administration of justice in the prisons. Indeed, in most of the States, the minister of police can, at his own pleasure, send dangerous persons to houses of detention. There is one island in particular, not far from Naples, to which the minister of police can transport criminals who appear to him dangerous, even after they have suffered their punishment. We can understand that they form a frightful society. I was informed at Naples, that since the poor exiles have no women on this island, they conceived the idea of sending them a cargo. But

the Archbishop of Naples was informed at the time, and the King gave him immediately a special order to prevent the execution of this design. In Sicily, particularly at Palermo, they have built very beautiful prisons. But in no other place have I seen free intercourse permitted to the same extent, a constant intercourse between the prisoners, and an idleness so complete, that the heart bleeds at the thought that with such fine buildings they learn nothing but evil.

“ However, the reform of prisons has been progressing in Naples for some years. The Minister of the Interior has at last obtained from the King an order for the internal regulation of prisons; this order does not enforce the system of absolute separation, but a system of classification, the arrangement being such as certainly to do some good. At Rome they have as yet done very little for prisons. M. Morichini (at this time Nuncio of the Pope at Munich) has, it is true, by his activity and writings, given a certain impulse to the ideas of reform. But there is in Rome only one establishment of an old date, and which is especially appropriated to young offenders. This establishment leaves much to be desired. The latest intelligence which I have received from Rome on the subject that now occupies us, is more satisfactory. Pope Pius IX., since his accession to the Holy See, has appointed a commission to frame a penal code. The principles already admitted by this commission are generous and just. The Pope shews himself an advocate of the penitentiary system.

“ In Tuscany they begin, but slowly. My honourable friend, the Marquis of Torrigiani, is nearly alone in demanding a modification of the system of prisons. The Grand Duke is much interested about it. He wishes to be more exactly informed what are the results of the different penitentiary systems pursued in other countries, and takes pleasure in questioning foreigners, who visit him, on this subject. In Tuscany the punishment of death does not exist.

“ In Tuscany then nothing important has been done fo

penitentiary reform. They have, however, built a new prison. The cells are unusually large ; it has done much for the health of the prisoners. By day they work together. It would be wrong to say that in Tuscany they prevent publicity. For my part, I have obtained all the documents I wished for upon prisons, and on the criminal statistics of the country. They are forming in Tuscany, under the auspices of the Grand Duke, a society of patronage for liberated criminals. This society is called to render eminent services. In Lombardy nothing of importance has been done yet ; but they have established there, during the last year, a society for patronage which differs from ours, because before placing the liberated in a free state when they first come out of prison, they put them in a house of labour, where they remain some time. Experience has shewn that it is an excellent plan. People are more disposed to receive into their service workmen who have passed some time in this establishment. The Archbishop of Milan particularly supports this society, and seconds its efforts. I have forgotten to state that there exists in Florence an establishment in which they receive 900 persons out of employ, or people unwilling to work. They employ them there in various trades. The gendarmerie is very severe in Florence on all those who appear addicted to begging. We may judge from that what a clearance has been made as compared to the ancient state of things. The fruits of this institution show that Italy is also, in this respect, in the road to improvement.

The following is the description given by Le Chevalier Peruzzi, of Florence, at the last Congress at Brussels :—

“Several distinguished men from Naples, Modena, Lombardy and Piedmont, who have excited a desire for penitentiary reform in Italy, are not able to assist at the Congress, and express to you their regret by my mouth ; hence it arises, that



the difficult task of representing Italy in this place has been undertaken by me—Italy which took the lead in penitentiary reform. Unfortunately, hitherto, all Italy has not entered on this reform. Thus, in the kingdom of Naples and Modena, the prisons are in a wretched condition; so in Lombardy, the central prison of Mantua, where they have wished to effect a reform—it is as yet only a means of diminishing the number of prisoners, of whom a large proportion are quickly destroyed by the foul air which they breathe.

“In Piedmont, two large prisons have been built for five hundred prisoners, according to the Auburn system, and the prison for the young people of the *Generala*, which went on very well at first, but the last news I received of it was not quite so encouraging.

“In the States of the Church, not only has nothing been done, but they are so much gone backwards that even the prison for young delinquents, built by Pope Clement XI, is at present only used to confine some women committed for trial.

“But, if I cannot speak as to the States of the Church, of things accomplished, I can give hopes, well-founded hopes; for the Pope has just named a commission to be employed in the reform of prisons. The Pope is personally very favourable to prison reform. I have had the honour to present to him the statutes of a society of patronage of which I am the secretary, and he has condescended to tell me how favourable he is to penitentiary reform. He has even engaged in the formation of two societies of patronage at Bologna and Rome, which is the reason I tell you that the hopes I give are almost certainties. For independently of his good inclinations, the Pope has just called to his council Mgr. Morichini, known by his work on the prisons of Rome, and who is treasurer general or chief Minister of Finance. In Tuscany, the question has made a great step, since a distinguished man who has written no work, but who has visited all the prisons of Europe, the lawyer, M. Charles Péri, occupies himself by putting in



practice the knowledge that he has acquired. The governor of the Tuscan police, who is also governor of the prisons, is favourable to prison reform, and I can say that the commission named for the revision of the penal code, is composed of three men equally favourable to this reform.

“ If, then, my country is not yet gifted with the cellular system, we may at least say that the ground is prepared for its speedy application.

“ In Tuscany, we have four degrees of punishment, which are summed up in imprisonment; consequently we have four descriptions of prison;—*une maison correctionnelle*, which is at Florence, *une maison de détention*, *une maison de force*, *et une bagne*. That for imprisonment is intermediate between the *maison de force* and the house of correction; it is a punishment which will, I believe, be omitted in the new code, because it has no real object. The house of correction at Florence is divided into two large sections, the penal section and the corrective section. The penal section answers to the corrective prisons of France, in which are convicts sentenced to more than two months and less than a year, who have been judged by the tribunals for first offences, which are held there. As to the corrective section, it is the consequence of an anomaly in our legislation, which I am almost ashamed to mention, and which I believe I may assure you will soon disappear. This anomaly is, that the Governor-General of Police has the power of condemning any man to three years’ imprisonment, without rendering an account to any person. However, the condemned has this security,—he may appeal to the Minister of Pardon and of Justice, who then joins with himself two members of the Council of State. All the individuals thus condemned are confined in the corrective section. Our house of correction, at Florence, is divided for two other separate classes,—those who are under 18 years, and those who are above that age. In the penal section, there are scarcely ever any younger than 18, because children

below this age, who have been guilty of any delinquency, are apprehended by the police and placed in the corrective division. Thus they avoid a sentence, and it is, perhaps, the only good point of the police arbitration. All the prisoners in every penitentiary establishment are divided into two other large divisions,—the section of relapsed criminals, and those who come to prison for the first time. The re-committed are subjected to constant separate imprisonment. Those who enter prison for the first time, are subjected to cellular imprisonment during the night, and imprisonment together by day. Still they are not always associated during the day, for it has been ordered in the construction of our houses of correction, that the cells be made sufficiently large that if it be desired the prisoners may be subjected either to constant separate confinement, or only to such imprisonment during the night.

“We have, in all our corridors, altars placed in such a manner that all the prisoners may join in religious worship from their cells, by opening the doors.

“Finally, the prisoners may walk separately, in consequence of the division of our prison grounds into a great number of radiating sections, all of which can be overlooked at the same time by a warder placed in a turret in the centre.

“The association of the different prisoners in our cellular prisons only takes place in the classes and in the work-room; and there we maintain silence as much as possible. I even think that soon we shall be able to suppress the association of prisoners in the classes by adopting the method of instruction in the cells which has been invented by M. Pontignac de Villars, instructor of the young prisoners of La Roquette, at Paris.

“As to prisons for females, we have only one, which is governed by *sœurs de charité*. This prison is divided into four different parts completely separated, and each of these parts corresponds to one in the prisons for men. The union of these in one establishment is indispensable in a country

where there are only six female convicts. Yes, at this time, there are only six female convicts in Tuscany. But we must not draw from this fact the inferences that we might do at first sight, and which, without doubt, would be very little honourable to our sex. But this small number of female convicts is owing to several causes, amongst others the severity of our legislation. One of the most common crimes among women is infanticide, which our law reckons as murder, and punishes with death; and rather than apply this severe punishment, our judges often declare in case of infanticide, that it is homicide through imprudence, and only sentence the guilty person to one or two months' imprisonment. It is a vice which, I hope, will soon become the subject of a reform.

“In every prison there are relapsed criminals subjected to continual separate imprisonment, and others who are not. For all prisoners there are nine gradations relative to the produce of labour; each of these classes is distinguished by the quota of daily earnings. The ninth class gains nothing. The first gains three or four French sous, of which the prisoners may dispose on certain days of the week to buy bread, and a limited quantity of wine or cheese. The remainder goes to form a sum to be given to the convict at his liberation.

“As to prisons for the untried, they are scattered in small localities. These are generally old palaces in which they have not yet been able to effect desired alterations. All those acquainted with Italy well know how difficult it is to make new arrangements in our old palaces, the walls of which are so thick. Besides, the expense would be very considerable, and that has a little stopped us.

“However, separate imprisonment is applied to all before trial; but convicts who are to suffer an imprisonment of less than two months, are associated. They are only divided into classes according to their age, sex, or degree of corruption.

“In prisons where separation exists, and also in prisons for the untried, there is a commission of inspection, composed partly of priests, and partly of the laity, who ought to visit the

prison, to dispense to the prisoners the assistance which charity assigns them, and to make reports to government of the prison expences.

“It remains for me to speak of the Bagnes. I will do it in a word; it is that they are suppressed in principle in Tuscany. I will read an extract from an order made by the Grand Duke, the 30th of July last, which forbids the punishment of death, and the establishment of Bagnes. The Grand Duke, by his decree, communicated to *La Consulta Royale*, has ordained, that after having examined the present penal legislation of the Grand Duchy, distributed in various codes, and completed by the common law and customs of tribunals, and taking for its foundation in its spirit, the celebrated law of the 30th of November, 1786, of his illustrious grandfather, which admits all the ameliorations that have been acknowledged as such by the wisdom of later times, he wills that they re-arrange in one single and complete body, all the laws which form the Tuscan code of crimes and punishments, revised with that order, precision, and clearness which works of this kind require, adapting it to the nature of this country, with an exact gradation of punishments, and their proportional application to crimes, and without leaving any liberty to the arbitrator. He further decrees, that the commission take for its basis the suppression of the punishment of death; and, besides orders that the commissaries direct their first attention to the best modes of imprisonment, from which the government may afterwards prepare considerable reforms to be introduced into penitentiary establishments. And, finally asks their advice on the means of suppressing the Bagnes, and the present punishment of *travaux forcés*, by using for this purpose cellular prisons, as is done in other European countries.

“I may add, that the members of the commission are engaged with a provisional law, which will determine the scale of punishments, in suppressing the Bagnes. It follows, that after the 1st of January next, the convicts sentenced to *travaux forcés*, shall suffer their punishment in cellular prisons. Thus



the Tuscan government may be considered as having accomplished a penitentiary reform. If people wished for a change, and the general opinion was opposed to the cellular system, government has done well to enlighten them; we can now support it in this course, thanks to the freedom of discussion we now enjoy, in consequence of the new laws concerning the press."

A further communication was subsequently made by M. Mittermaier, who stated—

"It is certain that the majority of statesmen and of men of education in Italy, although they approve of the penitentiary system, have not yet adopted separate imprisonment; however the number of those who consider the separation of prisoners both day and night to be *necessary*, gradually increases.

"In Tuscany, le Marquis Torrigiano, le Comte Porro et M. Cataneo, of Milan, M. J. Saleri, of Brescia, are zealous advocates of separate imprisonment. M. P. Modi has shewn in a work which was published at Rome in 1847, that all the efforts of legislators for the prevention of crime will be unavailing if the system of entire isolation is not introduced into their codes. In Tuscany le Professeur Mori, of Pisa, in a recent publication has demonstrated that the penal laws, although good and sufficient in 1786, have now no equitable basis, from the simple reason that they have not kept progress with the time, and that they are altogether ineffectual for preventing re-committals.

"It follows from what has been said that in Italy penal legislation is improving, and the triumph of the penitentiary system is almost ensured. The present Pope, a short time after his accession, devoted himself to the reformation of the penal laws in the States of the Church; and these reforms will, without doubt, be embodied speedily in the form of a code. The Pope approves of the penitentiary system, and the project is founded upon the principle of justice. \* \* \* This splendid country, menaced on all sides, in which the love of liberty has been revived, will not be behind the other states of Europe as respects the Penitentiary question."



## SPAIN.

NO IMPROVEMENT OF PRISONS.—SPEECH OF M. RAMON DE LA SAGRA.

THE state of political distraction in which this country has been too long involved has not only fostered crime and thereby increased its wretchedness, but it has prevented any attempt to reform its criminals, or to provide a remedy for its miseries by the improvement of its prisons.

At the late Penitentiary Congress, when the delegates from other nations could speak of much already accomplished and of more promised, to the mutual encouragement of its members, the Spaniard alone used the language of despondency, and claimed a sympathy which was most cordially shewn.

M. RAMON DE LA SAGRA, of Madrid, said—

"I cannot speak concerning the ameliorations which the penitentiary system demands, in general, without exposing the sad picture of Spain with regard to prisons. My honourable friend, M. Suringar, began by saying—"A member of a little nation, I have many things to say." Well, I must say exactly the contrary—"A member of a great nation, I have nothing to tell you." I mistake; I have something to say, very important as respects the subject of humanity; it is only to assert the retrograde march of Spain in the noble cause of the amelioration of prisons. \* \* \* Truly it is time that Spain entered upon some useful and durable improvements, and if she will support my efforts, I may hope to say to you next year, in another Congress—Spain has done something."

## SWITZERLAND.

VARIETY OF PENAL TREATMENT.—HOWARD'S DESCRIPTION OF PRISON AT GENEVA.—LUXURIES ALLOWED.—PRISONS AT FREYBURG AND BERN.—INFAMOUS PUBLIC LABOUR.—PRESENT PRISONS OF GENEVA.—ONE ON SILENT SYSTEM.—RESULTS UNSATISFACTORY.—ANOTHER ON SEPARATE SYSTEM.—RESULTS FAVOURABLE.—THE PRISON OF ST. GALL.—PROFITABLE LABOUR.—MISTAKE OF ENFORCING IT.

THE treatment of criminals in Switzerland appears to have been as varied as the country which produced them. We may discern much that was politic, wise and humane, combined with many practices which were cruel, and pernicious alike to society and the convict. We admire the means taken to prevent crime, by the careful, moral and religious education which has been already referred to, and which was so eminently successful that Howard tells us he found vacant prisons in some Cantons he visited. Judicious too was the plan of providing felons "*each with a room to himself,*" for which the simple and very sufficient reason was assigned, "*that they might not tutor one another.*" Well had it proved for Switzerland, had this plan been everywhere adopted and steadily pursued. But we find that in many of its prisons a lax discipline prevailed, even luxuries were allowed, and justice was seemingly trifled with; whilst on the

other hand, in others, dungeons and means of torture might be seen, or the miserable victims of an ill-judged economy were compelled to labour in public, with the badge of infamy and the instrument of suffering attached to them.

The following statements of Howard have suggested the above remarks :—

“In the prison at Geneva, which was formerly the bishop’s palace, at my first visit, there were only five *criminals*; none of them in irons. Their allowance about six pence a day: for which they have a pound of good bread, some soup, and half a pint of wine. They looked healthy. For some years past, no capital punishment. If a criminal flies from justice, they call him in four three days; and after trial, execute him in effigy.\*

“At Freyburg, there were no prisoners in the two towers; one of which is called *Lá Tour Mauvaise*, probably from the close rooms of confinement (eight feet by six, and six feet high) and the excruciating engines of torture kept there. In the house of correction there were thirteen men, and seven women; the former are employed abroad in cleaning the streets, &c., the latter in spinning. They have soup twice a day; meat only three times a year; *viz.*, Christmas, Easter, and Whitsuntide.

“At Bern, the principal Canton, there were no prisoners but in the two houses of correction. One of these prisons is for citizens, in which the men and women were spinning. for they never work abroad.

“In the other (the *Schallenhans*) were, in 1776, one hundred and twenty-four galley-slaves; and in 1778, one hundred and forty-one. They have not each a room to themselves; but there is some distinction of the more and less criminal, both in their rooms and work. Most of the men are employed in

\* Foreign Prisons, p 106.

cleaning and watering the streets, and public walks; removing the rubbish of buildings; and the snow and ice in winter. The city is one of the cleanest I have seen. Four or five are chained to a small waggon, and draw; others, more at liberty, sweep, load, &c. These are known by an *iron collar*, with a hook projecting above their heads: weight about five pounds: I saw one riveted on a criminal in about two minutes.†

Whilst then, Switzerland in past times might teach that by imparting religious instruction, we might prevent crime, and that by separating criminals, less of guilt would be learnt; yet in the departure from these wise plans we see much to deprecate, and sufficient to account for that increase of crime which has allowed none of its enlarged gaols to be at this time without numerous inmates.

The following description of the prisons of Geneva at the present time, was given by the Chaplain, M. Ferriere, at the Frankfort Congress :—

“ Geneva has two prisons—the penitentiary and the house of detention. The penitentiary has been conducted since 1825 on the system of work-rooms and classification. It has had the advantage of beginning under the auspices of a governor of great talent, and of retaining him during seventeen years. It has, besides, been the object of the continual solicitude of our Genevese philanthropists, who have done, with respect to its amelioration, all that it was possible to accomplish in the space of time. The results have been great, certainly, especially when compared to those of the old prisons. Yet we have not been able to extirpate certain evils, of which

† Even women are subjected to this painful degradation, upon which Howard remarks, I detest the custom of daily exposing that sex to such ignominy and severity, unless, when they are totally abandoned, and have lost all the softer feelings of their sex.

I will speak presently. Seeing then that our ameliorations did not lead to the desired end, several amongst us began to wish for a new system, for we gradually arrived at the conviction, that the evils of our penitentiary arose from the system itself of associating criminals, and which the rule of silence did not remedy.

“When this conviction was produced in our minds, it became urgent on our country to rebuild our prison of detention, which fell into ruins, and afforded besides the disgusting spectacle of one of the bad prisons of the old *régime*. To obtain a reconstruction upon the cellular system became then the object of our wishes. That required a law. A law involves the necessity of a public discussion, and you know the repugnance felt to the Philadelphian system ; seeing in the cells only dungeons, men do not hesitate to heap upon this system the most outrageous abuse. However, we gained the victory ; and since the end of November, 1843, we have had a building containing rather more than a hundred cells, and divided into three wards—one for the men, a second for the women, and between those two, a third for young offenders. Besides, we have under the same roof, a division appropriated to debtors who are not subjected to the regulation of the cell. The wards for the women and children have each a workroom ; this workroom is an important part, and has given us significant results. We have then been provided for about three years with two prisons, representing the two systems, between which the opinions of so many able men are divided ; and that in the same locality, and under the same circumstances, in all respects, excepting those which affect the system itself. This position has some importance, for we have seen in other countries results attributed to the system, and afterwards acknowledged to have arisen from some other causes—the healthiness of the situation, or, perhaps, the nature of the administration. At Geneva there is between our two prisons as complete an identity as it is possible to have : the systems



alone differ. It will then be to the system that we must attribute the difference of our results. I just now said complete identity. I made a mistake; our new cellular prison has not begun under the direction of M. Aubanel, which, together with its three short years of existence, compared with the twenty-one years of the other house, gives a difference much to the prejudice of the new establishment.

“As to the results of these two prisons, we have little to say on the subject of relapsed criminals, for it requires at least ten years of comparison to know the real number of these from both systems. We have only thirty-four months, and these shew about two and three-fifths per cent. under the cellular system—a number somewhat inferior to that which the same length of time furnishes under the Auburn system.”

[Other portions of this speech have been quoted in foregoing pages, all tending to prove the great advantage resulting from the change of discipline, as respects the conduct of the prisoners whilst in confinement.]

M. MOSER, Director of the Penitentiary of St. Gall, also stated as follows:—

“I have some details to give you respecting the discipline pursued in the new Penitentiary of St. Gall, in Switzerland. This prison has been occupied since 1st July, 1839. It will hold 108 prisoners, of both sexes. It is built after the plan of that at Geneva, and regulated according to the Auburn system. The cost of each cell was 1000 florins. The length of imprisonment is from three months to imprisonment for life. 340 prisoners have been in the penitentiary since its opening till 1845 inclusive. The length of time for labour is eleven hours. Four hours are allowed for recreation, and nine for sleep. 132,880 days of labour have produced a clear gain of 40,224 florins, which makes, per head, a profit of 18, 16 kr. The establishment has cost the State during the same period of time only 32,717 florins. Infringement of the

rules is extremely frequent, especially with regard to cleanliness and order. The rule of silence is also frequently broken. Two ecclesiastics, one Roman Catholic and one Protestant, are attached to the establishment; divine service takes place three times a week for each of the two communions. There is also a school and a library for the use of the prisoners. A society of patronage exerts itself to obtain employment for the liberated on their leaving prison. Out of 215 liberated, 19 have relapsed; which makes 8.83 per cent. In the old prison, the proportion of relapses was 50 per cent."

Although the result of the above comparison is decidedly favourable to the cellular system, yet if, with the improvements which have been introduced, the sad mistake be committed, of exacting profitable labour from criminals, at the sacrifice of time for reflection and corrective instruction, we may certainly predict, from our own experience, that disappointment will ensue. Switzerland may learn from Scotland, the certain consequence of a plan so impolitic.

## POLAND.

ANCIENT LAW RESPECTING PERSONS ACCUSED.—CARE OF SUCH AT PRESENT.—LE COMTE SKARBK.—LABOUR ON PUBLIC WORKS.—NOW DISCONTINUED.—LA MAISON D'ENQUETE AT WARSAW.—CELLULAR SYSTEM EXCLUSIVELY ADOPTED.—ISOLATION MOST SANITARY.—MENTAL ALIENATION RARE.—SEPARATION MOST DETERRING.—MOST IMPRESSIVE AND CORRECTIVE.—MOST MERCIFUL TO THE INNOCENT.—STATISTICS.

MANY pages might be filled with a description of the atrocities inflicted during the last fifty years in the prisons of Poland, but as the subjects of them have been, for the most part, patriots who have struggled for their country and suffered in its cause, and not objects for that corrective discipline which it is the design of this work to promote, any details concerning them would be out of place. The treatment of criminals in Poland has been similar to that pursued in the countries to which it has been annexed.

It is worthy of remark that an especial concern for accused but unconvicted persons was shewn in the ancient code of this kingdom, and yet survives the changes to which it has been subjected. The old law of Jagellon provided that no individual should be imprisoned until convicted;\* and in the

\* “Neminem captivabimus, nisi jure victum, aut in crimine deprehensum.”—*Fletcher's Poland*, p. 46.

progress of penal discipline during recent days, we discern a like anxious care on behalf of such exhibited in the wise precaution of erecting cellular prisons first of all for this class, and so protecting them from that demoralization and disgrace which are inseparable from prison association.

The penitentiary reform in Poland has had a most zealous advocate and agent in the Count Skarbek, of Warsaw, to whom about twenty years since was entrusted the improvement of the penal institutions throughout the kingdom. What has been effected, and the state of penal discipline at present in Poland, may be seen from the following interesting and instructive speech of that nobleman :—

“ Up to the year 1829 the prisons in the kingdom of Poland exhibited all the defects of the old repressive establishments. The penal code of this country admitted three classes of prisons, which differed from each other in the degree of punishments and privations to which the prisoners were condemned. All the prisons contained not only those condemned to all degrees of punishment, but also those imprisoned during the time of their examination. All, without excepting even the accused, were occupied in the public works without the prisons, as much for the State as for private individuals, who would pay them by the day.

“ This state of things was modified in the year 1829; the public works were abolished, and they established in the prisons workshops, where the condemned are employed in manufacturing cloth, linen, &c., used for clothing and other purposes in these establishments. Some small remuneration, in proportion to the work supplied, is kept in reserve, and paid to each prisoner when discharged. The rules for order and discipline have put an end to many abuses, and removed

the greatest inconveniences of the prisons in which criminals were associated.

“In proceeding to a systematic reform in prison regulations Government has recognised the principle, that it was necessary to begin with the *maisons d'enquête* designed for the reception of those for trial; and as this reform could not be made in the prisons where association was allowed, it has ordered the construction of new *maisons d'enquête*, after the system of separate confinement. It was in consequence of this decision that the *maison d'enquête*, at Warsaw, was commenced in 1830, and completed in 1835; and experience having proved the advantages of the new system, in the year 1843 a sum of 1,200,000 Polish florins, or 20,000 Prussian crowns was granted for the construction of three new *maisons d'enquête* in the provinces of the kingdom.

“The *maison d'enquête* of Warsaw contains 166 cells and twenty wards, of from twelve to fourteen beds, for the prisoners who have been convicted; and the three other *maisons d'enquête* in the province contain cells corresponding in number to the wants of the locality, and only two wards designed for smugglers and those condemned to imprisonment for at least three months, who are employed in the service of the interior of the prison.

“Government proposes to carry out the system which it has admitted, and to adopt it in all places where there are accused to put in confinement; and, after having adopted everywhere this reform in imprisonment before trial, to put it in practice for condemned prisoners. This manner of proceeding is doubtless slow, but so much the more sure as to success, since it appears almost impossible to obtain satisfactory results in prisons for the convicted, so long as those for culprits before trial, and the *maisons d'enquête*, are not established on the principle of the Separate System.

“What I am about to say explains why so little has at present been done in my country for the reform of penitentiary prisons for the convicted. What has been done has



been confined to the improvement of the régime in the prisons where intercourse is still permitted ; and they have transformed into a prison, after the Auburn system, some buildings in the city of Sieradz, which formerly contained a cloth manufactory. This last establishment, founded for 166 criminals, separated by night and working together by day, is much dreaded, especially by the elder criminals, who have known the sad indulgence of a common dormitory. However, they have not adopted there the defective system of forced silence.

“This short account of what has been done up to the present for prison reform in the kingdom of Poland, cannot yet shew important results as to the moral influence of the system on the people, for the results cannot be obtained until the system be developed in all its particulars, and put in practice all over the country. Meanwhile, what I affirm, is—

1st. “That the sanitary state in the cellular establishments is much more satisfactory than in the common prison. Last year, during which the typhus fever carried off a tenth of the prisoners in the old prisons, has proved that the cellular system preserves the prisoners from the pernicious influence of contagious diseases: for in establishments of this kind, even in those conducted upon the Auburn system, scarcely any have been victims to this terrible disease: and whilst mortality remained there, as usual, about three per cent., it increased ten per cent. in the prisons where the inmates were associated.

2nd. “During the last ten years, since the occupation of the *Maison d'enquête* at Warsaw, there have been only two cases of mental alienation, the one of which was declared the day after the arrest of the individual, and the other in consequence of the prisoner having been too soon deprived of his “*plica*,” who, however, has been completely cured.

3rd. “That criminals by profession, leave those localities where there are cellular prisons, and go to those places where they are sure to be confined with others in prisons, when they are apprehended.

4th "That criminals, and especially juveniles, who incur imprisonment before trial, for the first time, are easily convinced of their faults, receive a powerful impression from solitary confinement, and do not repeat their crime if they have not the misfortune to be transferred to a prison in which they are associated.

5th. "In short, that those unjustly accused, and especially the better educated, bless an institution which has preserved them from shame, by concealing them from their fellow prisoners, previous to their trial.

"In conclusion, I give as a statistic detail, that the kingdom of Poland reckons at the present time, nine thousand accused and condemned, in a population of four million four hundred thousand; that nearly two thirds of this number are composed of prisoners for trial; that the whole of these prisoners are divided amongst twenty-two prisons, four of which are exclusively appropriated to the accused; five to the convicted, and thirteen containing accused and convicted, separated as much as possible. \* \* \* The experience that I have had of the cellular *Maison d'enquête* at Warsaw, during the ten years that this establishment has existed, convinces me that solitary confinement makes a powerful and painful impression on those imprisoned for the first time, and under the weight of conviction, and especially on juveniles. I look upon this impression as very salutary, for it is of the greatest importance that a prisoner, who, for a less serious offence is committed for the first time, should be under the most painful and unhappy impression; the remembrance of which, will be ever present, whenever he may be tempted to fall again into crime. This impression is much less felt, and is gradually effaced in the common prisons, where his companions know how to console the novice, by lessening his feeling of shame, and furthering him in vice. I conclude, therefore, that those imprisoned for less serious offences, and for a shorter period, ought more especially to be subjected to the solitary system."

## RUSSIA.

CRUELTY OF PUNISHMENTS.—MITIGATION AND IMPROVEMENTS.  
—HONOUR OF ENGLAND IN HAVING LED TO THESE.—SPEECH  
OF M. DE ZEHE.—EVILS OF PAST IMPRISONMENT.—THE  
KNOUT ABOLISHED.—PUNISHMENTS IN SIBERIA RELAXED.  
—VISIT OF THE EMPEROR TO ENGLAND.—CELLULAR PRISON  
ORDERED AT ST. PETERSBURGH.—SEPARATE CONFINEMENT  
DETERMINED UPON.—THE KNOUT AND THE PLEITE CON-  
TRASTED.

THE vindictive cruelties of Russia, and the still greater atrocities of Siberia, notwithstanding the secrecy with which they have been perpetrated, and the rigorous silence respecting them which has been so constantly enforced, have not escaped the observation of the world, and the censure of every civilized State. A volume would not afford sufficient space for reprobating the severities which disgrace the penal code of an empire, long since and until lately distinguished as much for its cold-blooded cruelty as for the inclemency of its climate. In the treatment alike of the accused and of the convict, humanity was disregarded, and the very name of justice dishonoured. To inflict vengeance was the end proposed, whilst the correction of the vicious was never sought.

Instead of repeating horrors with which the page of

history is stained, I gladly enter upon the pleasing task of describing improvements already effected, and of more merciful arrangements now in progress.

I cannot forbear to remark before enumerating some of these amendments, that if, as already observed, it may be the boast of England that she has diffused the light she has received on the subject of penal discipline, it is her brighter glory if she has enkindled a spirit of compassion in the criminal jurisprudence of other lands. We have seen throughout the speeches which have been quoted that the prisons of Britain have been set forth as the patterns for improvement,—that Pentonville is the model everywhere recognized, if clemency combined with justice—the prevention of crime by the penal correction of the criminal, be the aim and end of imprisonment. High then, indeed, is the honour which appertains to England in having caused by her example the most cruel nation of Europe not only to mitigate, but to become really merciful in its punishments by the evident wisdom of her plans.—On his late return from England, the Emperor of Russia ordered the erection of a model prison at St. Petersburg, similar to that of Pentonville.

The information contained in the following speech of M. de Zehe, the representative of Russia, at the recent Congress at Brussels, will be read with pleasure :—

“ It is not without much hesitation that I ascend the tribune before an areopagus of such eminent men, on whom

Europe, the civilised world has its eyes ; for these men, whilst labouring for the good of their country, are devoted to one of the noblest causes of humanity, and in questions such as this upon which we are here assembled, the universe becomes one country, and the human race a single nation. Glorious your work ! Glory to the age which gives birth to the idea of interesting itself for beings, who before only shared reprobation and contempt, and seeks, even in the mire, the divine sparks which sometimes fall there, to make them come forth worthy of their heavenly origin. Let my feeble voice echo at this moment the opinion of my countrymen, who send to you the expression of their most lively gratitude for all that you have done at the preceding Congress, (of Frankfort) and for all that you are going to do at the present. I am only sorry that Russia cannot at present bring you her share of experience in penitentiary reform. Till lately our prisons had no penal character, as in other countries ; they were rather places of confinement before trial, where the untried and accused were associated. Now, according to the penal code of 1845, imprisonment is, as in other countries, a punishment. The Emperor has felt the inconveniences of the present system of prisons in Russia, a system which is false in its principle and extremely fatal in its consequences. I would remark that the introduction of the penitentiary system in Russia has not been, as many persons think, the effect of fashion. No : it was necessity ; and this necessity has been so much felt, that the Russian penal code has experienced a complete transformation. They have begun with the knout—this word still produces horror. Well, *the knout has not existed for two years.*

“ As to Siberia, this word no longer produces on the mass of the people the fear which it formerly inspired. The resources of this country are still almost inexhaustible, and the work upon the golden sands makes labour rise to a much higher rate than it is in the mother country, so that workmen are better rewarded there than in other parts of the empire ;



and I have seen letters from exiles in Siberia, who wrote to their fellow-countrymen in Russia, and in which they said they were better off in Siberia than in their own country. It arises from thence that the new prisons ought to take the place of banishment to Siberia; they ought to take the place of the *maisons de force*, and moreover of the privation of certain civil rights. *After his return from England, the Emperor instituted a special committee for the reform of prisons, and ordered the erection of a model prison similar to that at Pentonville.* This committee has adopted the following bases:—It has decided to establish at St. Petersburg, a prison for five hundred and twenty prisoners, on the principle of separate confinement; but as there is still in Russia an excessive fear of the effects of a too much prolonged separate confinement, it has been thought better to divide the term of imprisonment into four parts. 1st. Separate confinement without any work. 2nd. Separate confinement with work. 3rd. Separate confinement with work in common and silence. 4th. Separate confinement with work in common and permission to speak. This system is admitted for women as well as men, from twenty to fifty years of age; for women from eighteen to forty.

“You see that amongst us the question is still in its infancy. We shall end by walking with you. We shall replace the gibbet with the cross, and we shall be proud and happy to be able to say that *clemency is the inseparable companion of justice.*”

The announcement in the above speech, that the punishment of the knout had been abolished, was received with loud applause; but it called forth the remark that the “pleite” had been substituted, in reply to which M. de Zehe, at another meeting of the Congress, explained that “there was an immense difference between the knout and the “pleite :—

“The former, said M. de Zehe, was not merely an instrument of corporal punishment, but it was also inflicted as a degradation. A person who had suffered the *knout*, was stigmatized in public opinion. He could never again shew himself in society, whilst the “*pleite*,” which has always existed, is applied for the least offences. The *knout*, on the contrary, has always been inflicted for the most heinous crimes, such as parricide, murder, and robbery with violence.”

You see then that the suppression of the *knout* is a most important fact in the way of improvement, since a punishment extremely severe has given place to a penalty infinitely less.

## SWEDEN AND NORWAY.

THE KING AN ADVOCATE FOR CELLULAR IMPRISONMENT.—  
HIS WORK "PUNISHMENTS AND PRISONS."—QUOTATIONS.—  
CORPORAL PUNISHMENTS DEPRECATED.—MENTAL PUNISH-  
MENTS APPROVED.—EFFECT OF THE KING'S PUBLICATION.

SWEDEN.—NECESSITY FOR RECONSTRUCTING PRISONS SEEN.  
—THE CELLULAR SYSTEM APPROVED.—PRISONS ERECTED.  
—IMPRISONMENT OF FOUR KINDS.

NORWAY.—PRISON DEMORALIZATION EVIDENT.—A COMMIS-  
SIONER APPOINTED.—THE CELLULAR SYSTEM RECOMMENDED  
AND ADOPTED.

SEVERAL extracts have been made in the foregoing pages from the valuable and very interesting work "Punishments and Prisons," written by the Sovereign of these countries a short time before his accession to the throne; and which has been translated into our own and some other languages of Europe.

It has been shewn that this excellent monarch strenuously promotes the cellular system of imprisonment. The reader of his volume on the subject, will not augur its success from the dignity of the advocate, so much as from the force of his arguments. One or two further quotations from it, will perhaps form the best introduction I can offer to this chapter.

The noble author, after urging upon Christian principles that prisoners have claims upon our compassion,—that "they should be considered less

as outlaws, than as fallen fellow-creatures, for whose reclamation and improvement we are called upon to think and act," judiciously observes in his Preface :—

"In order not to be misunderstood, and to shield the new theory of punishment against a reproach which it is often obliged to bear, viz:—that it takes care of the criminal at the expense of those who obey the laws, I must state, that its tendency is, on the contrary, to render the law more sacred, and to increase the effect of punishment, by founding them on reason and justice. It ought not, therefore, to be mistaken for that false philanthropy, which has sometimes pretended to plead its cause. The latter ought to be considered only as a sickly excrescence on the healthy stem of the former." \*

Condemning the vain attempt to correct the criminal by mere bodily chastisement, we read :—

"Corporal punishments had their foundation in that feeling of revenge, which in former ages was predominant in the exercise of the right of punishment in the state, and in the ignorance which then prevailed. It requires, indeed, no trifling degree of enlightenment, to judge of the importance of mental punishments, and to consider them sufficiently expiatory.       \*               \*               \*               \*               \*

"Since enlightenment, in its increasingly rapid progress, has driven from our criminal legislation the most barbarous corporal punishments, as mutilation, branding, &c., there remain in our present code whipping and scourging, as the last traces of the views of justice entertained in past times.

"Flogging, which is accompanied with indelible dishonour, is perhaps still more unreasonable than even capital punishment; in the latter case the physical existence of the criminal is destroyed; by flogging, on the other hand, the possibility

\* Punishments and Prisons, p. 7.

almost of his future improvement. The right of punishment in the State, whose object is to restore, by the very application of punishment, violated justice, and to warn and improve, has, then, wandered so widely from its original idea, that it disgraces, renders the return from the path of crime when once entered upon almost impossible, and leaves as a choice only misery and the scaffold. How many examples of this state of things, as grievous for humanity as it is dangerous for the public safety, has not our country to produce." \*

His Majesty concludes with the following paragraph :—

"Should the noble sympathy which already begins to shew itself in Sweden, for the improvement of the penal laws and for prisons, be raised by my well-intentioned exertions, and especially by the judgment of those distinguished authors whom I have cited in several places, the object will be gained, and one of my most earnest wishes accomplished." †

The effect produced by the appearance of this work, we are told by the translator, was all that the illustrious writer could have desired :—

"The book was eagerly sought and read, and the Diet, inspired by the noble sentiments there developed, appointed the sum of 1,800,000 R:dr to be applied in the manner proposed ; besides which, the different committees were led to discuss the subject in such a way as must lead, at the next meeting of the Diet, to the most beneficial results." ‡

To what extent the earnest desires of the Sovereign have been realized in Sweden and Norway, may be learnt from the information given by their representatives at the Congrès Pénitentiaire. M. Netzel, of Stockholm, at the Frankfort Congress, said :—

"The necessity of reform in the regime and construction of

\* Punishments and Prisons, p. 5, 15.      † Id. p. 155.      ‡ Id. p. 155.



prisons has been long since generally admitted in Sweden. It is now thirty years since, upon a demand having been made to the States General, measures were taken to increase the number of prisons, and to apply in this branch of the administration, a new and more rational system, based upon principles of humanity, and the moral reformation of the prisoners. At that time, the different penitentiary plans, and the positive effects obtained in Europe and America, were but superficially known: thus, the results of the reform attempted in Sweden, although more satisfactory than those of the old system, did not answer the expectations of the nation; and as at the same time the number of the prisoners fearfully increased, it was soon found necessary to go further, in order to attain a more satisfactory result.

“In 1841, agreeably to the proposal of Government, the States General, in expressing the opinion that the cellular system was, whether as respects detention before trial, or as a punishment, the most rational and the most desirable, voted the large sum of about one million three hundred thousand florins, for the erection of new buildings according to this system. By means of this sum they have already built, and will soon have finished building, nine different prisons, containing eight hundred and sixty cells, and they are already preparing architectural plans for two other cellular prisons for the provinces of Carlscrona and Wenersberg. These new prisons are in the first place, destined for the reception of the untried and accused, but they will also be used for the carrying out of punishments by short imprisonment.

“The special law, on the regulation of prisons, has lately been revised in accordance and perfect harmony with the penal code. But, this law, whilst adopting the cellular system, agreeably to the method called Pennsylvanian, established as fundamental principles:—that separate imprisonment, with labour, should be applied to the convicts, but with modifications according to the nature of the crimes, and morality of

the prisoners, and besides in such a manner, that each convict might daily enjoy exercise in the open air, and religious, moral, and industrial instruction; as also to receive regular visits from the Priests, the Director, the Medical Attendant, and Members of the Committee of Inspection, and from other respectable persons who should have obtained leave from the Director. Amongst other stipulations, I will only mention one, namely—that when imprisonment is inflicted according to this system, the duration of the punishment determined in the code, should be abridged one sixth.

“Meanwhile, as the building of cellular prisons, in consequence of the great number of criminals, requires a sum superior, perhaps, to the resources of the country, Government, further desirous that public opinion, more and more assured of the superiority of this system, should have time to strengthen, as much by our own experience as by that of richer and more advanced countries than ours, has thought right to propose that separate imprisonment be only at first applied in the sixth and seventh degree, i.e., for terms not exceeding two years. But meanwhile, the system of imprisonment, according to the method called Auburn, should be applied to other convicts.

“These principles of the two aforesaid laws have been adopted by the States General, but the discussion of the chief articles that are contained in them, not having been finished at the last Diet, will be renewed at the approaching one; and I have reason to hope that, though it may fall heavy on the treasury, the law concerning prisons will next receive a sanction, and will be acted upon.

“An old proverb says, ‘The first step costs most.’ We have, as you see, already passed the first step in prison reform. We have voted considerable sums; we have erected new cellular buildings; we have adopted the principles of a new criminal code, and of a law for the better government of prisons. I am convinced that the good cause we advocate will

at last gain a complete victory, and that the Swedish nation, following the example of the noble and august Prince who is over them, will not rest half way, but will prove on the contrary in completing the reform that is begun, that it is worthy of being reckoned amongst the most liberal and enlightened nations."

The same speaker at the Brussels Congress gave the following additional information:—

"I have already, at the congress at Frankfort, had the honour to say that in Sweden they have taken the first step in prison reform, by promulgating a special law on the regulation of prisons, the principle of which is based on the cellular system, agreeably to the Pennsylvanian method. As I said at that congress the principles have been adopted by the States General, but the discussion of the articles which they contain, not having been finished at the same Diet, this discussion will be continued at the next. I ask leave to enter into some specific details on the reform of prisons. Prisons in Sweden are of four kinds: prisons intended for those sentenced to perpetual imprisonment; those of prisoners sentenced to a limited imprisonment; provincial prisons; and prisons *d'arrondissement*. For the first two classes they have preserved imprisonment in common, but have ordered inspection by day and night, and absolute silence. For the other two they have done something more. We have ten new provincial prisons, of which in five, built in the last two years, there are already confined the accused and untried, as well as men condemned to bread and water. These prisons contain 426 cells. The other five are building, of which three, nearly finished, will contain 246 cells: two, which have been begun this year, will soon be finished, they will contain 169 cells. There is besides, in the city of Stockholm, another prison, which contains 192 cells.

“ Thus when these prisons are all finished there will be in Sweden 1,033 cells. Two thousand will be required to meet the necessities of the provincial prisons. The prisons building to complete this number will probably be finished in six years. The charge of each prison will be entrusted to a governor, chaplain, medical attendant, six or seven warders, and one or two female warders. After the provincial prisons come the prisons *d'arrondissement* appropriated to the untried. These prisons are necessarily crowded because justice is administered by judges travelling through a great number of localities, which causes much delay. A plan will be submitted to the approaching Diet, the object of which will be to reduce the number of jurisdictions to 134. Each jurisdiction will have only one city, where will be situated the prison for the district, and a single judge to administer justice. These different prisons will contain 1,500 cells. We think these prisons might be finished in the same time as the provincial prisons. As soon as the reform of the penal code is legalised, and the new prisons are built, they will begin to apply the cellular system to individuals sentenced to short imprisonment. The prisons *d'arrondissement* will receive individuals sentenced to two months and less; provincial prisons, those sentenced from two months to two years. Longer punishments will be suffered in other prisons to which the reform has not yet extended. We shall consider them when we have had a longer experience on the comparative effects of penitentiary prisons. But it is necessary to consider the treasury, which will be greatly in debt if we attempt to build all these prisons at once. When our system has received the sanction of experience, we hope to be able to reconstruct the old prisons after the cellular system. These details will prove to you, that, notwithstanding the smallness of the resources placed at its disposal, Sweden has done much for some years. What she has done already is a sure guarantee of what she will yet do. The work of reform will be pursued with constancy.”



Concerning Norway, M. Moinichen, of Christiania, stated at Frankfort :—

“ The demoralization of prisons, which has successively called nearly all the civilised world to struggle against it, must also sadly affect Norway. There this evil has increased in so alarming a degree, that the necessity of combating it by vigorous measures has appeared urgent in the eyes of the Government, and of the national representation. It is probable that the numbers will sufficiently convince you. They leave no doubt of the absolute necessity of doing something to remedy so grievous a condition.

“ In the year 1837 a Royal commission was named for the purpose of examining into the state of the Norwegian prisons, and to report the improvements which their condition might require. The year after, the Professor Holst, a member of this said commission, was appointed to visit the principal prisons of England, Ireland, Belgium, France, Switzerland, Germany, and Denmark. In the month of July, 1841, the same commission presented a detailed report, and unanimously agreed to ask for the introduction of the system called Pennsylvanian into the Norwegian prisons. Moreover, they proposed to build successively seven penitentiary establishments, according to this system, with 2,115 cells, for a sum of 1,500,000 species-thalers.

“ Entering into the opinion of the commission, the King requested the Storting of 1842 to grant the sum of 334,020 species-thalers necessary to build a prison at Christiania, capable of receiving 500 male convicts ; but the Storting (although of the same opinion with Government, relative to the preference they gave to the Pennsylvanian system, and the utility of arranging a prison according to it) have only granted the sum of 182,970 thalers, which the commission judged to be sufficient for the crection of a small prison near to Christiania, intended to receive from 238 to 240 female convicts—a



prison which, in the place of women, could receive men provisionally.

“Notwithstanding this decision, which was made by a majority of fifty-three against forty-four, the Government presented a new plan conformable to the first propositions of the commission; but again the Storthing rejected it. Then the Government named a building committee to execute the decision of the Storthing, authorising the erection of a cellular prison for 240 convicts, near Christiania.

“I should remark, in conclusion, that Norway, instead of its ancient penal legislation, become quite unsuitable for the times and circumstances in which we now live, has received, in the year 1842, a new penal code which answers to the requirements of the present times, and in which are suppressed all infamous punishments. I will add that we are on the eve of obtaining a law which will apply the cellular system to the untried and accused in all the houses of detention and correction.”

## DENMARK.

PRISON DISCIPLINE NEGLECTED TILL A. D. 1840.—INTEREST OF THE KING IN THE QUESTION.—DR. DAVID AND COMMITTEE FOR PRISON REFORM.—CELLULAR IMPRISONMENT RECOMMENDED.—THE SYSTEM ADOPTED.—PRISONS RECONSTRUCTED.—SOME OBSTACLES IN PENAL CODE.

ALTHOUGH the penal discipline of this kingdom has been till recently neglected, and the condition of its prisons appears to have been disgraceful, yet so strong has been the feeling excited on this subject during the last few years, and so vigorous the movement in consequence, that it may yet outstrip other nations in the progress of penitentiary reform.

Sympathizing with the neighbouring Sovereign of Norway and Sweden in his humane desire to ameliorate the penal code, and in the pious endeavour to bring a blessing upon his kingdom by the correction of its criminals, the King of Denmark, almost immediately on his accession to the throne, directed the attention of his subjects to this most important work. Amongst those appointed to make the requisite investigation, and to carry out the benevolent purpose, was Dr. David, Professor of Law in the University of Copenhagen, a man whose good feeling, energy, and talent, rendered him emi-

nently qualified for the task. The following information was given by him at the late Congrès Pénitentiaire :—

“The reform of prisons did not begin in Denmark till the year 1840. What had been done before then in the different penitentiary establishments, was chiefly limited there, as every where else, to some ameliorations in the material circumstances of the prisoners, and to the introduction of some measures and regulations to ensure order and discipline; and to obtain at the same time, a larger amount of work in the old, and in general very bad buildings, in which the prisoners were confined.

“In this same year, (1840) immediately after the accession to the throne of his present Majesty, who had previously taken a great interest in the prison reform, a committee was appointed to examine into the state of the penitentiary system throughout the kingdom, and to determine, if a general reform of prisons was required, to decide what plan should be adopted. This reform was considered so much more necessary and urgent, because all the prisons which existed, the principal in the kingdom, (that of Copenhagen) and also the most considerable in the Duchies, (the prison of Gluckstadt) had been in great part destroyed by fire.

“The committee, of which I had the honour to be a member, soon decided that the reform of prisons for the accused, should precede that of prisons for correction. It expressed, moreover, the opinion that, whatever system might be adopted, the prisons for punishment could not have a solid principle and satisfactory result, unless they prevented the corruption and demoralisation of the prisoners during the time of their imprisonment before trial. They considered, that the only way to attain this end, was the isolation of the prisoners. They were convinced, that *isolation, during the preparation for trial, was not less advantageous to the accused, than to Govern-*

*ment.* It is, indeed, indispensable that the accused be preserved from the pernicious influence and the demoralisation that they are subjected to in the *maisons d'arrêt et de justice*.

"It is also important that the Government enquire into the truth, and as to the object of the arrests that are made. The propositions of the committee were approved by Government, and since the year 1841, a royal "*ordonnance*" has appeared, by which it is decided that all the new houses of detention, built for the untried and accused, shall be arranged according to the system of isolation, and that all the new constructions or re-constructions, which the old prisons require, should be according to this system, thus to fit them for the general adoption of it.

"Although our jurisdictions have generally small resources and the construction, and the maintenance of prisons, is at the expense of the *Communes*, the reform which has been undertaken, has made rapid progress, and many cellular prisons have been constructed, some new and some in the old buildings. I may hope, after what has already been done, and judging from what is at this moment in progress, that in four or five years the reform may be considered as accomplished. Several of these establishments have been occupied more than two years. It has especially been acted upon in the new prisons at Copenhagen, and I can affirm that we have obtained very favourable results from the separation of prisoners who are waiting their trial. The anxieties which some persons had entertained on account of the adoption of this system, have been acknowledged ill-founded. I can assert, moreover, that the old opposers of this measure are now convinced of their error.

"The committee have decided unanimously for the reform of the prisons for the untried, declaring that must precede the system of separation. They have not been so unanimous with regard to the establishments for correction. There has been no difference of opinion upon the necessity of reform, but

they are not agreed as to the system they would adopt. The committee is divided; the majority ground their proposition on their conviction that complete isolation, *i. e.* separation by day and night, can alone lead to the improvement of the prisoners, and attain the desired end of punishment. The minority propose a plan which approaches more nearly to the system of classification adopted at Geneva.

“ During these transactions, I received an order from the King to set off, accompanied by an architect, to visit the prisons in the principal countries of Europe, and to inform myself of the actual state of their prisons, and of the results which had been obtained from them. After my return, and upon the report which I had the honour to make to his Majesty, the royal decision appeared of the 25th of June, 1842, ordering that two new *maisons de force* should be built for male convicts, who should have been condemned to forced labour for life, or for a long time, and two houses of correction for those condemned to labour for a shorter time, and where they should apply the system of separation. Consequently, there will be built in the kingdom two new houses of confinement, each capable of receiving 400 convicts, and also two new houses of correction, one for 400 and the other for 300 convicts. One of the former is in construction at Horsens, in Jutland, after a plan which was prepared in 1845. One of the others, the house of correction at Copenhagen, will be, I hope, soon begun. We may also expect to see built at Glückstadt, a new house of correction for 320 prisoners.

“ Nothing has yet been decided to fix what we should understand by the longest or shortest period of imprisonment, or to establish the distinction of punishments between the *maison de force* and the *maison de correction*. The reason has been that they cannot yet agree on the mode and means of reducing the term of imprisonment of the present penal code. It is easy to understand that on this decision depends the application of cellular imprisonment. Nevertheless, there is



room to believe that this imprisonment might be extended, in all cases, to four or five years. As respects the ameliorations which have been introduced in modern times into the old prisons, I think it of little consequence to speak of them, as we can only consider them as measures *ad interim*, seeing that according to the royal order before mentioned, the projected reform will be applied to all the corrective establishments for male convicts. The punishments of the *maison de force* and of the *maison de correction* were in reality the same, although they ought to be different according to the law. Pursuant to the new plan for the organization of penitentiary establishments, the punishment of the *maison de force* will consist in separation by night with compulsory labour in common during the day, and divided into small bands or sections, according as they are condemned for life or for a time. In the house of correction, where the punishments will be shorter, separate imprisonment will be by day and night, conformably to the plan pursued in the model prison at Pentonville."

The following additional information was given by Dr. David, at the Brussels Congress :—

"I have no very important communications to make to you. In a small country they do not make great buildings in one year. Nevertheless, I have one remarkable fact to tell you. Last year, at the congress at Frankfort, I had the honour to say that our system was not yet decided as respects *les maisons d'arrêt et de correction*; that we had decided that all prisons intended for the untried and those sentenced to short imprisonments should be built after the cellular system, but that I thought this affair would go on slowly, although it had been formally resolved upon, *les maisons d'arrêt* being institutions belonging to the *Communes*, who must provide the funds. But nearly all have willingly voted money to build cellular prisons. I am convinced that in two or three years there will be no

prison amongst us that is not cellular. The number of cells that Denmark will have is not indeed several thousand, but twelve or fifteen hundred. It is not a great number, but the votes of the *Communes* that I have just mentioned, show that public opinion is decidedly for the cellular system. For large prisons this is not yet quite agreed upon. Government has only decided that in prisons for those sentenced to perpetual or long imprisonment, there should be separation by night, and labour in common during the day. For houses of correction, Government admits the cellular system; but the law must still establish the limit from whence the condemnation to long imprisonment commences. However whilst expecting this law, they are building a *maison de force* for 400, and a cellular house of correction for 320 prisoners.

RESOLUTIONS PASSED AT THE CONGRES PENITENTIAIRE AT FRANKFORT, IN 1846, AND APPROVED IN THE FOLLOWING YEAR ON RE-ASSEMBLING AT BRUSSELS.

1ST RESOLUTION.—“That separate, or individual imprisonment, ought to be applied to those awaiting their trial, and accused, in such a manner that there can be no sort of communication amongst prisoners, except in cases where at the request of the prisoners themselves the inspecting magistrates should think proper to allow them certain liberties within the limits prescribed by law.

2ND RESOLUTION. “That separate imprisonment shall be applied to the convicted in general, with the severities or indulgencies demanded by the nature of their offences and sentence passed, and the conduct of the prisoners, so that each be usefully occupied; that he may every day enjoy exercise in the open air; that he may share in the benefits of religious, moral, and scholastic instruction, and in public worship; and that he may regularly receive the visits of the

minister of religion, governor, medical attendant, and inspectors, besides other visits which may be permitted by the regulations.

3RD RESOLUTION.—“That the preceding resolution shall especially be applied to imprisonments of short duration.

4TH RESOLUTION.—“That separate imprisonment be equally applied to those detained for longer periods, combining with it all the mitigation as the term advances, which is compatible with the maintenance of the principle of separation.

5TH RESOLUTION.—“That when the unhealthy state of the body or mind of a prisoner requires it, the authorities of the prison may subject a prisoner to such regulations as they may think fit, and even allow him social intercourse, providing that he does not mix with the other prisoners.

6TH RESOLUTION.—“That cellular prisons be so constructed that each prisoner may unite in religious worship, seeing and hearing the officiating clergyman, and being seen by him,—the whole without affecting the fundamental principle of the separation of the prisoners.

7TH RESOLUTION.—“That the substitution of punishment under the Separate System for that of common imprisonment ought to shorten the period of detention, as decided by the existing codes.\*

8TH RESOLUTION.—“That the revision of the penal legislations, the appointment by law of an inspecting committee, and the institution of some means of assistance for the liberated, ought to be considered as indispensable to the completion of prison reform.

N. B.—The resolutions one to three, and five to eight, were carried almost unanimously; Resolution 4, was carried by a very great majority.”

\* The reader will have observed that on the Continent criminals are sentenced to imprisonment for many years, and such terms may well be contracted. The resolution must not be thought applicable to the imprisonments of a few months decreed by our criminal law.

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